

Jonathan A. Dessaulles, State Bar No. 019439

DESSAULES LAW GROUP

2700 North Central Avenue, Suite 1250

Phoenix, Arizona 85004

602.274.5400 tel

602.274.5401 fax

jdessaules@dessaulleslaw.com

Attorneys for Intervenors Bryce Fitzpatrick and Albert Miller

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Equal Employment Opportunity Commission,

Plaintiff,

vs.

The Cheesecake Factory, Inc., a Delaware
corporation,

Defendant.

Case No. CIV 08-01207-NVW-PHX

**EXHIBITS TO RESPONSE TO CROSS-
MOTION TO COMPEL ARBITRATION**

Exhibit C

STAFF MEMBER HANDBOOK



The
Cheesecake
Factory®

May 2005

EEOC-CHCK-000085

WHAT'S IN YOUR CHEESECAKE FACTORY HANDBOOK

<u>Topic</u>	<u>Page Number</u>
WELCOME TO THE CHEESECAKE FACTORY!	3
THE IMPORTANCE OF THE CHEESECAKE FACTORY VALUES AND CULTURE	5
MISSION, VISION & VALUES	7
OUR COMMITMENT TO EXCELLENCE	9
THE CHEESECAKE FACTORY NATION-WIDE	11
THINGS YOU NEED TO KNOW	13
OUR EXPECTATIONS OF YOU	15
DIMENSIONS OF PERFORMANCE	17
THE CHEESECAKE FACTORY IMAGE	21
TAKING CARE OF EACH OTHER	24
THE FORBIDDEN	27
THE SHIFT	28
MONEY, MONEY, MONEY	31
OPPORTUNITIES FOR GROWTH	34
RECOGNIZING YOUR COMMITMENT TO SERVICE	35
YOUR BENEFITS – HOURLY STAFF MEMBERS	37
HEALTH, SAFETY & SANITATION	45
SUMMARY OF PLAN INFORMATION (FROM SPD)	51
ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY STATEMENT	57
A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT	61
CONSUMER REPORT AND INVESTIGATIVE CONSUMER REPORT DISCLOSURE AND AUTHORIZATION	63
HANDBOOK RECEIPT & CONFIDENTIALITY AGREEMENT	65

WELCOME TO THE CHEESECAKE FACTORY!

On behalf of everyone at The Cheesecake Factory Restaurants, Inc., welcome to our Company and thank you for joining our team!

At The Cheesecake Factory, we strive to achieve our mission, "To create an environment where absolute guest satisfaction is our highest priority." To help ensure that our mission is a daily reality, we began our "Commitment to Excellence" program in 2004. This program outlines Our Company Promise, Our Staff Promise and Our Commitments. As you read through your handbook and begin working at The Cheesecake Factory, you will learn more about them. During daily Staff Alignments, we will discuss how our Commitments guide our everyday interactions with guests, managers and each other. In addition, our "open door" policy has created an atmosphere where you can come to us at anytime and voice your concerns, opinions and suggestions.

Working together as a team, learning from one another, sharing experiences, and caring for the needs of our guests are integral parts of all of our jobs. We show our dedication everyday by providing quality food and graciously serving our guests, who have helped make us the casual dining industry leader.

We are delighted that you've decided to work for our dynamic, fast paced and continually growing organization. Again, welcome to The Cheesecake Factory!

Best Wishes,



David Overton
Founder, Chairman and CEO
The Cheesecake Factory Incorporated

The Importance of The Cheesecake Factory Values and Culture

We inherited a tradition of excellence that began in 1972 with our founders, Oscar and Evelyn Overton. Their values formed the cornerstones of our culture and continue to define the character and nature of our Company today.

These values guide our behavior, bind us together and provide a framework for making decisions—defining the right courses of action. We set our objectives, formulate our strategies and judge our results consistent with these values.

Although our Company operates in an ever-changing environment, our values remain constant. They do not shift with time or circumstance, waver under pressure or out of convenience. We must follow and reinforce them in all areas of our business, regardless of position or title.

Dedication to these values will enable us to meet the daily obligation we have to preserve and enhance The Cheesecake Factory name and all that it represents. Defending and upholding these beliefs will guarantee a continuing legacy of excellence for future generations of staff members, guests and shareholders.

In keeping with the tradition and spirit of The Cheesecake Factory we are committed to:

Quality in Everything We Do

High Performance

A Passion for Excellence

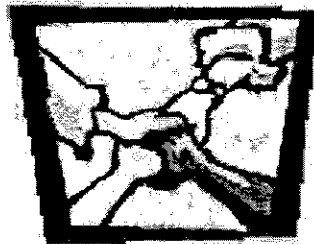
Service-Mindedness

Integrity, Respect and Responsibility

Dynamic Leadership

People - Our Greatest Resource

As you review this handbook, you will learn more about how we manifest these values at The Cheesecake Factory.



The Cheesecake Factory

Mission, Vision & Values

Our Mission

To create an environment where absolute guest satisfaction is our highest priority.

Our Vision

Through a shared commitment to excellence, we are dedicated to the uncompromising quality of our food, service, people, and profit, while taking exceptional care of our guests and staff. We will continuously strive to surpass our own accomplishments and be recognized as a leader in our industry.

Our Values

Quality in Everything We Do
A Passion for Excellence
Integrity, Respect, and Responsibility
People – Our Greatest Resource
Service Mindedness
Dynamic Leadership
High Performance

MORE ON OUR VALUES

Quality in Everything We Do

Quality is more than a word we use to describe our food and service. It is a philosophy that affects everything we do.

Quality is never an accident. It is always the result of high standards, sincere effort, intelligent direction, and skillful execution. It represents the wise choice of many alternatives.

Our commitment to quality distinguishes us from our competitors and must never be compromised. "Our brand is our promise." We must run our business impeccably with meticulous attention to detail to ensure our place among America's best and longest lasting Companies.

A Passion for Excellence

Passion fuels our commitment to the endless quest for excellence. This passion must permeate throughout our Company. We must think creatively, embrace change and continuously improve upon past accomplishments. We must grow our knowledge, learn from our mistakes and aggressively pursue new ideas and innovations.

Though we may be better today than we were yesterday, we are not as good as we must become. Our passion drives us to persevere – to meet all challenges with enthusiasm – to achieve the unachievable. We will succeed as a result of our passion for excellence.

Integrity, Respect and Responsibility

We are committed to doing what is right without exception. We must be honest, treat others with respect and dignity and honor our commitments and obligations.

Every decision we make and every action we take must follow the highest ethical and professional standards. We will strive to close the gaps between our principles and practices – our actions must reflect our words.

Out of a deep respect for all individuals and for the communities of which we are a part, we will treat others, as we would like to be treated.

People – Our Greatest Resource

Outstanding people make it all happen – they will lead us towards the future. Each individual's efforts and skills are necessary to the success of our Company as a whole. Everyone's contribution is valuable.

We are committed to creating an energized, rewarding, safe and healthy work environment where each of us has the opportunity to offer new ideas in an unrestricted manner. Effectiveness increases when we encourage the opinions of others and share responsibilities as a team.

We recognize individual accomplishments and provide opportunity for growth as a reward for outstanding performance. When we treat our staff members like our most precious resource and not as expendable commodities, we instill pride, commitment and a sense of ownership – and make our organization the best it can be.

Service-Mindedness

We are dedicated to unparalleled hospitality and genuine care of our guests. The reason we exist as a Company is to provide absolute guest satisfaction.

We recognize that we are all linked together in the service process -- that each of us plays a distinct and vital role in delivering The Cheesecake Factory promise of caring service. The entire Company must actively participate and constantly seek service opportunities.

A mindset of being "of service" must flow throughout our organization. We have a responsibility to support and serve one another, because ultimately we are all serving our guests.

Dynamic Leadership

As leaders of our Company, we must have dynamic energy and the ability to energize others. We must be open to new ideas from anywhere, have the self-confidence to involve everyone and be able to acknowledge our own shortcomings. We must foster mutual trust, resist bureaucracy and avoid internal politics.

As leaders we are committed to the success of others. We develop highly skilled and motivated teams. We establish clear expectations, give honest feedback and set goals for individuals that tie into the Company's objectives as a whole. With a clear vision, we inspire people at all levels of our organization.

As leaders, we embrace our mission and values and lead by example. We find the balance between head and heart as well as people and profit. Dynamic leadership transforms our vision into reality.

High Performance

We are dedicated to maximum levels of performance and productivity in all areas of our business. To drive the success of our Company, we must set aggressive goals, focus on results and hold ourselves accountable. We will approach our work with a sense of urgency and dissatisfaction with the status quo.

We have an obligation to earn a profit in order to remain in business and grow – but it must be "Quality Profit." We must never jeopardize our future for short-term gain. We will balance our need for current earnings with our desire for consistent long-term profitability.

We all will be challenged to achieve these goals.

Our Commitment to Excellence

Our Company Promise

As a member of our team, you are part of an innovative, energetic, world-class organization dedicated to hospitality and the genuine care of our guests.

We will treat you with respect and dignity and honor our commitments to you. You are our most valuable resource. We are committed to your success and will nurture your skills and talent.

We will recognize your accomplishments and support you, as you serve our guests and each other.

Our Staff Promise

As a staff member, I am here to provide exceptional service to our guests. By using my skills and talent, I will do everything I can to fulfill our goal of absolute guest satisfaction.

I promise to support my team and contribute to a fun, friendly and fast-paced environment without compromising quality.

I will treat others with fairness and respect while upholding our standards and values. I will learn all that I can, embrace change, and welcome support and guidance from my team.

Our Commitments

Our Commitments describe how we interact with our guests, managers and each other. They guide our actions and the decisions we make each day. By honoring these commitments, we preserve our culture, take exceptional care of our guests, and deliver excellence.

1. Our Mission

Our mission defines our purpose. We will all demonstrate our commitment and responsibility for absolute guest satisfaction.

2. Our Vision

Our vision describes what we strive to achieve. By taking exceptional care of our guests and each other, we turn our vision into reality. Let our dedication to quality and excellence inspire us to make our restaurant the best it can be.

3. Our Values

Our values guide our actions and enable us to work together toward a common goal. They are the foundation of our Company and define our culture. They help us make good decisions that will ensure our future success.

4. Our Promises

Our promises define the commitments we make to our guests, each other and the Company. They describe our shared expectations and set the tone for our interactions. By fulfilling our promises, we help create a positive environment where each person is respected and supported.

5. Achieve Excellence

We are dedicated to exceptional food, service and hospitality. A shared passion for excellence drives our success.

6. It's All in The Details

Excellence is in the details—they set us apart. Whether greeting a guest, preparing a recipe, or maintaining a beautiful environment, it's the little things we do that add up to a great guest experience.

7. Every Guest is Your Guest

Know that you have the power to make every guest's experience special. When you see the opportunity to do something for a guest or teammate, do it!

8. Do the Right Thing

We will perform our work with honesty and integrity. Every action we take must follow the highest professional standards. Do the right thing, even when no one is watching. Never compromise the quality of our food and service.

9. Represent Your Company

You are an ambassador of The Cheesecake Factory. Speak positively and share your pride in our phenomenal food, service and restaurant at all times.

10. Look the Part

Take pride in your personal appearance. Be well groomed and in proper attire, according to our standards. Have a positive attitude and friendly smile, ready to serve our guests.

11. Words Matter

Be friendly and polite in every interaction. Use sincere words that show you care. Whether you're communicating with guests or teammates, make each person feel special.

12. Be the Best You Can Be

Strive to be better today than you were yesterday. Hold yourself accountable to high standards. Learn as much as you can and meet challenges with enthusiasm.

13. Maintain High Energy

Let your enthusiasm and excitement energize the team and strengthen the restaurant. Approach your work with focus and a sense of urgency. Communicate through your actions that guests' needs are important and you value their time.

14. Last Line of Defense

Each of us is responsible to protect the guest experience. Before serving any item, ensure that it's of the highest quality, prepared properly, and served with everything our guests need.

15. Do Whatever it Takes

Make certain each guest enjoys our food, service and hospitality. Whether we need to make an item again or apologize for a mistake, go the extra mile and never let a guest leave unhappy. Do whatever it takes—one guest at a time, one meal at a time.

16. Speak Up

Communicate anything that stands in the way of fulfilling our guests' happiness or the team's success. Whether it's the tools you need to do your job, a safety concern or a guest request—speak up and let someone know about it.

17. Support Your Team

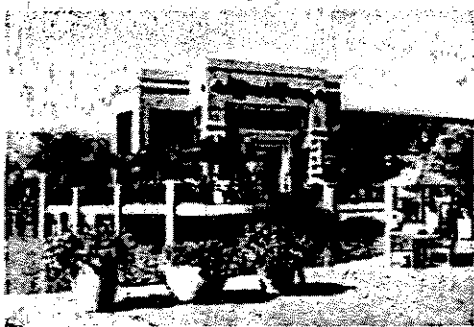
We are strongest when we work together! Share responsibility for your team's success—offer support and ask for help when needed. Speak well of your teammates and let them know you appreciate them.

18. Work Clean and Be Safe

Protect our guests and team by practicing the highest standards of safety, cleanliness and sanitation. Be alert—help keep everyone healthy and accident free.

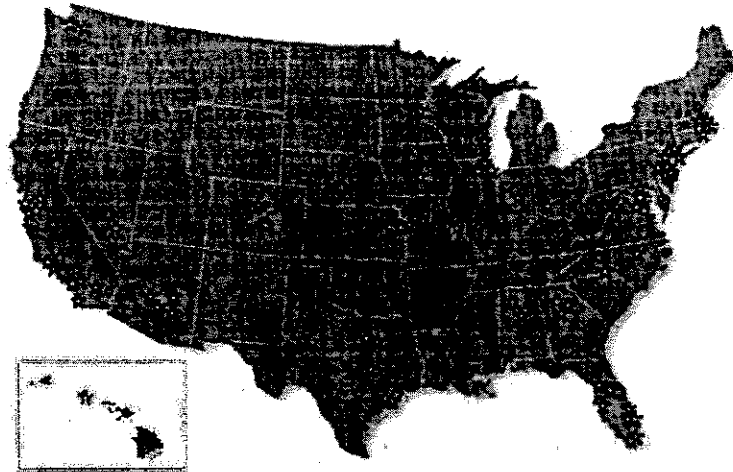
19. Care For Your Restaurant

Help maintain a "like new" restaurant—keep it clean and beautiful. Be responsible for your equipment and surroundings. Let someone know when something needs attention or repair.



The Cheesecake Factory Nation-Wide

Alabama	Arizona	California	Colorado	District of Columbia	Florida
Georgia	Hawaii	Illinois	Indiana	Iowa	Kansas
Kentucky	Maryland	Massachusetts	Minnesota	Missouri	Nevada
New Jersey	New York	North Carolina	Ohio	Pennsylvania	Rhode Island
Tennessee	Texas	Virginia	Washington	Wisconsin	...and more to come!



The Cheesecake Factory Inc. **Corporate Support Center**

26901 Malibu Hills Road
 Calabasas Hills, CA 91301
 Phone Number: (818) 871-3000
 Fax Number: (818) 871-3100

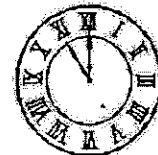
Your Location

Restaurant: _____
 General Manager: _____
 Address: _____
 Phone: _____
 Fax: _____

Restaurant Hours

The closing hours of each restaurant are flexible. If the restaurant is still busy at the scheduled closing time, staff members may be directed to stay later than the scheduled time out. The minimum hours that we are open to the public are:

11:30 a.m. to 11:00 p.m., Monday through Thursday
 11:30 a.m. to 12:30 a.m., Friday through Saturday
 10:00 a.m. to 11:00 p.m., Sundays



For the purposes of scheduling and timekeeping, the Company's workday starts at 6:00 a.m. and ends 24 hours later at 5:59 a.m. the next day.

THINGS YOU NEED TO KNOW

Introduction to Your Handbook

We have prepared this Handbook to provide you with an overview of important information. Included here are some of our employment practices, as well as some of your privileges and responsibilities. You should read all sections and ask questions along the way! We want you to familiarize yourself with the information in this Handbook, and we hope that you will feel free to offer your comments, suggestions and ideas. If you have difficulty understanding anything contained in this Handbook, please ask a manager to assist you.

Other than your at-will employment status, The Cheesecake Factory reserves the right to change or revise policies, procedures and benefits described in this Handbook as the need arises. We review our employment practices, benefits packages and other policies on an on-going basis and consider changes that will benefit our staff, guests and/or business. If material changes to our policies and/or benefits are made, you will be notified.

This Handbook is provided as a guide that you may use to familiarize yourself with the Company. The Handbook is not, nor should be, considered to be an agreement or contract of employment, express or implied, or a promise of treatment in a particular manner in any given situation. This Handbook states only general Company Policies and Guidelines.

At Will Employment Status

We hope that you will find your employment relationship with The Cheesecake Factory satisfying and rewarding. At the same time, we recognize employment relationships are not always mutually satisfactory.

To protect both parties' rights, employment at The Cheesecake Factory is at the mutual consent of the staff member and the Company. Accordingly, either the staff member or the Company can terminate the employment relationship at will, at any time, with or without cause or advance notice.

Furthermore, no staff member or representative of the Company, other than the Chief Executive Officer (CEO) of The Cheesecake Factory Incorporated, has any power or legal authority to alter the at-will nature of the employment relationship. The CEO can alter the nature of the employment relationship only if he expressly does so in a written agreement that is signed by both the CEO and the affected staff member.

Communication with Management and the Audit Committee

The Company encourages staff members to communicate any questions, complaints or concerns arising as to the accuracy, quality, timeliness, or effectiveness of any aspect of the Company's financial reporting or internal control processes directly to the Company's Chief Executive Officer (CEO), Chief Financial Officer (CFO) or General Counsel. If a material mistake in any financial disclosures previously filed with, or submitted to, the SEC is discovered, such mistake should be immediately brought to the attention of the CEO or CFO.

In addition, you may submit complaints or concerns regarding financial statement disclosures, accounting, internal accounting controls, misuse or inappropriate use of Corporate assets or auditing matters to the Audit Committee of the Board of Directors, in a sealed envelope, addressed to the Chairperson of the Audit Committee, c/o General Counsel, 26901 Malibu Hills Road, Calabasas Hills, CA 91301. Please mark the envelope "To be opened by the Audit Committee only."

If you would like to discuss any matter with the Audit Committee, you should indicate this on your submission and include a telephone number where you might be contacted if the Audit Committee deems it appropriate. Your identity will be kept confidential unless you expressly waive confidentiality in your submission.

The Audit Committee shall review and consider any such complaints or concerns that it has received and take any action that it deems appropriate in order to respond thereto.

Statement of Equal Opportunity Employment and Non-Discrimination

Our policy is to provide employment, promotional opportunities, training, compensation, benefits, and all other conditions of employment, without regard to race, sex, sexual preference, color, religion, national origin, age, medical condition, marital status, citizenship, ancestry, or disability. The Cheesecake Factory does not maintain an English only work rule. We strive to hire and develop the best-qualified people, basing our judgment on job-related criteria (please refer to "Dimensions of Performance" in this Handbook).

We have a strong commitment to maintain a positive, productive and professional work environment. Our belief is that you should be treated with respect. Our policies do not condone and will not tolerate conduct that abuses dignity through ethnic, sexual, racial, religious slurs, jokes or comments, or any other forms of discrimination or harassment. Your responsibility is to communicate any perceived discrimination or harassment to any member of your management team and/or the staff relations' department at the Corporate Support Center immediately, so that appropriate action may be taken. You may also report any concerns to the CARELINE.

Federal law requires us to verify each new staff member's identity and legal authority to work in the United States. All offers of employment are conditioned upon the receipt of satisfactory evidence of your identity and legal authority to work in the United States.

Introductory Period and Employment Status

The first 90 days of your employment is considered your introductory period. This "getting acquainted" time gives us the chance to determine your ability to perform your job, and provides you with the opportunity to decide if you are satisfied with your position.

We expect that you will work hard during this period so we can accurately assess your ability to adequately perform your job and meet The Cheesecake Factory standards. In some cases, the introductory period may be shortened or extended. If we determine, in our sole discretion, that you are not meeting our defined standards, or if there are job performance or misconduct issues, we may choose to extend the introductory period, or we may choose to discontinue the employment relationship.

Employment Verifications

The Cheesecake Factory partners with an outside company to answer all verification of employment requests. You may need to provide your employment or payroll information to a third party when you want to buy a new car, rent an apartment, submit information for immigration purposes, or other reasons.

The system is automated, which allows you or your requestors to retrieve employment and/or payroll verification via the Internet, fax or phone in just minutes. The benefits of this automated system include:

- ◆ 24 hour request availability
- ◆ Faster response/faster approval
- ◆ Toll-free customer service support
- ◆ Complete confidentiality and control because only YOU can authorize access to your confidential wage and payroll information

There is a fee for your authorized requestor to obtain your employment and/or payroll verification via the phone or the Internet. For more information about this program, and to obtain a brochure, please see your QST.

Your Paperwork

During your hiring process with The Cheesecake Factory you will be required to sign forms acknowledging that you have received and read the information provided in this handbook. These may include forms such as the Anti-Harassment and Non-Discrimination Policy, Fair Credit Reporting Act, Consumer Report and Investigative Consumer Report Disclosure and Authorization, and the Handbook Receipt and Confidentiality Agreement.

Occasionally, we will re-circulate a new or existing document for you to read and re-sign. We do this as a reminder of important policies and employment requirements.

OUR EXPECTATIONS OF YOU

Required Permits or Certifications You May Need to Perform Your Job

Local or state law requires staff members in certain positions to hold special certifications, licenses or permits, to include a Health Card, Training for Alcohol Management Card and INS work authorization. In addition, the Company may require certain staff members' positions to be certified in food safety through private programs such as ServSafe. It is your responsibility to obtain and maintain valid certifications, licenses and permits for the position you hold at the Company, at your cost. You are required to have all valid work authorization cards on your person at all times while on duty.

If a certification, license or permit is required for your position, it is a condition of any job offer extended to you by the Company that you obtain such permit prior to starting work. Your failure to maintain a valid certification, license or permit, if required for your position, may prevent you from current or continued employment.

Personal Information

Please help us keep your personnel file current. Immediately report any change of status, including address, phone number, marital or dependent status, to your OST. If you leave the Company and change your address, be sure to let us know so we can mail your year-end W-2 to you for income tax purposes.

Your personnel file is available for review at reasonable times upon request. Please see your General Manager to make an appointment for a file review.

Quizzing Standards



Staff level positions require training and your hard work and effort to learn our methods, procedures, menu items, and all of the things that make our restaurants special. In many instances, you will be quizzed to verify that you have acquired the knowledge and skills necessary to perform your job to our standards. We require staff members to achieve a 90% passing score or better on each quiz. We will provide the materials, training, study time at work, and other tools to assist you.

If you require a special accommodation, please contact your trainer and/or manager prior to taking the quiz. If you do not achieve a passing score upon retake, your employment may be terminated and you will not be eligible for rehire consideration with the Company for a 60-day period. Any inappropriate conduct, including "cheating" during quiz taking is grounds for disciplinary action, up to and including discharge.

Personal Telephone Calls

Our published telephone numbers are for business use only and for our guests' convenience. Calls by your family and friends while you are at work not only tie up these lines, but also take you away from your guests and your work duties. Please discourage all incoming calls to you while you are on the job. You may make outside calls before or after your shift or during an approved break. Public pay phones are provided for this use.



If you carry a pager, please set it for a non-audible alert and wear it so that it is not in view of our guests. If you receive pages that become disruptive to your work performance, we may ask you to refrain from carrying a pager or other electronic device while on duty.

Cellular phones are disruptive and not part of your Cheesecake Factory attire. Please do not carry them with you when working your shift. The Company reserves the right to prohibit the carrying and use of pagers, cell phones or other electronic devices during working hours.

Confidentiality of Recipes and Methods

Our delicious menu items, along with our fabulous service, keep our guests coming back again and again! We can't afford to compromise any aspect of what makes The Cheesecake Factory so very special. As a result, we require and maintain strict confidentiality of our menu items, recipes, preparation methods, training materials, and other proprietary, non-public information.



Recipes and preparation methods are Company property and may not be shared, divulged, sold, or given to any person, business or entity outside our Company or used for any purpose other than authorized Company business.

You may be exposed to our recipes and/or preparation methods for menu items, including drinks, meal items and/or desserts. You have a responsibility to protect and preserve the confidentiality of our recipes and all other "confidential information." Any breach of confidentiality will lead to disciplinary action, up to and including discharge, and in certain cases, civil action.

Non-Solicitation

During working hours and while on duty, we ask that you not solicit fellow staff members, managers, vendors or guests for any outside social activities, organizations, religious groups, or other non-Cheesecake Factory events. Please do not distribute or post materials in the work area or on bulletin boards unless approved by your general manager.

If you feel that you are being harassed in any way by a staff member who is soliciting you for any reason, please report this to a member of your management team immediately, and we will take appropriate action.

DIMENSIONS OF PERFORMANCE

Welcome to The Cheesecake Factory team! At The Cheesecake Factory, we pride ourselves on serving great food and giving great service. Only you can make that possible. The fact that you have been hired means that you are very special. But the hard part isn't over yet. We have very high standards, and many of you will need to undergo training and pass extensive quizzing before you can proceed.

Below are some of the high standards, what we call "Dimensions of Performance," that we have established for our Cheesecake Factory staff members. You'll notice that we have divided these lists into two categories: One is for front-of-the-house positions, such as servers, front desk, bussers, bartenders, and bakers. The second list applies to Kitchen positions, including line cooks, prep cooks, dishwashers, stewards, and cleaners. It's important that you understand and aspire to each and every performance dimension, as these will be the criteria that you are measured against. Please read through each of your performance dimensions and feel free to ask your manager if you have any questions.

Front of the House - Dimensions of Performance

Guest Experience:

- ◆ Providing a great guest experience is always the number one priority.
- ◆ Greets every guest with genuine enthusiasm and warmth.
- ◆ Greets all regular guests in a friendly and personalized manner.
- ◆ Gives "great face" and has "three-second likeability."
- ◆ Offers to tour guide The Cheesecake Factory experience.
- ◆ Knows the details of all products, talks about them, encourages guests to try new items, follows-up and suggests what guests might try next time.
- ◆ Ensures total guest satisfaction through accuracy, positive listening, speed, technical proficiency, and follow-up.
- ◆ Creates a special experience for each guest.
- ◆ Contributes to an upbeat environment for guests.
- ◆ Adjusts pace and style of service to each guest.
- ◆ Reads guests, inquires about quality of experience and takes appropriate action on feedback.
- ◆ Anticipates the needs of guests and does whatever possible to make them happy.
- ◆ "No problems" special requests whenever possible.
- ◆ "I'm so sorry" any guest problem and quickly handles minor ones.
- ◆ Communicates guest problems to managers.
- ◆ Communicates with managers about anything that could affect the guests' experience.
- ◆ Cares for the needs of guests.
- ◆ Gives great final *sehmooze*.



Team Experience:

- ◆ Is respectful and caring toward other staff members.
- ◆ Makes new staff members feel welcome.
- ◆ Practices harmony between work groups in the front and between Front of the House (FOH) and kitchen.
- ◆ Works to solve problems with other staff members.
- ◆ Fully performs own responsibilities.
- ◆ Does whatever is asked in order to take care of the guests and the restaurant.
- ◆ Practices full-hands in, full-hands out.
- ◆ Able to work station and maintain standards throughout shift.
- ◆ Sees what needs to be done in order to have a great shift and does it.
- ◆ Performs his/her share of sidework and assists others with theirs when needed.
- ◆ Covers shifts when needed and fills in where needed.
- ◆ Proactively seeks help from the right person.
- ◆ Is fun to work with.
- ◆ Maintains a high level of positive energy throughout every shift.
- ◆ Helps recruit high quality staff members.
- ◆ Is a team player.
- ◆ Uses "excuse me," "thank you," "please," and "I'm sorry" with fellow staff members.

Financial Results:

- ◆ Suggests items that complement and complete the guests' experience.
- ◆ Builds guests' menu awareness and understanding of the Company experience.
- ◆ Delivers the full Cheesecake Factory experience each time, every time.
- ◆ Works to minimize waste of controllables.
- ◆ Understands and acts on his/her responsibility to manage costs.

Quality of Operations:

- ◆ Ensures proper sequence of service.
- ◆ Takes care of Cheesecake Factory property.
- ◆ Properly operates and maintains equipment and supplies.
- ◆ Practices excellent safety habits.
- ◆ Strictly adheres to sanitation standards at all times.
- ◆ Takes ownership of overall cleanliness of restaurant.
- ◆ Practices "clean-as-you-go" at all times.
- ◆ Keeps work area clean and organized.
- ◆ Quickly handles spills and breakage.
- ◆ Practices last line of defense by insisting that everything meet specs and standards.

Character, Stewardship and Integrity:

- ◆ Upholds Company standards for performance, maturity and integrity.
- ◆ When on the job, treats the Company as highest priority.
- ◆ Mentally and physically prepared to work at scheduled time and in proper attire.
- ◆ Meets all Company standards for grooming and personal hygiene.
- ◆ Attentively attends all mandatory meetings.
- ◆ Learns and embraces Cheesecake Factory procedures and techniques.
- ◆ Works to improve skills.
- ◆ Takes the initiative for own growth and development.
- ◆ Offers suggestions to improve the restaurant.
- ◆ Is truthful and honest at all times.
- ◆ Handles Company funds accurately and honestly.
- ◆ Protects the cash of other staff members.
- ◆ Respects and protects the property of guests.
- ◆ Works well without close supervision.
- ◆ Treats Cheesecake Factory as a long-term relationship.
- ◆ Responds positively to extraordinary circumstances in the restaurant.
- ◆ Is the kind of person with whom other staff members want to work.
- ◆ Is a role model for other staff members.

Kitchen - Dimensions of Performance



Guest Experience:

- ♦ Providing a great guest experience is always the number one priority.
- ♦ Prepares food that looks, smells, feels, and tastes right every time.
- ♦ Treats each plate as a special meal for each guest.
- ♦ Has a "no problem" response to special guest requests, modifiers, CSV, on the fly, and refires.
- ♦ Anticipates and communicates with management about anything that could impact the guest.
- ♦ Maintains professional image and behavior for the guests at all times.
- ♦ Converses comfortably with guests, when applicable.

Team Experience:

- ♦ Is respectful and caring toward other staff members at all times.
- ♦ Communicates and coordinates with other staff members and expo manager.
- ♦ Practices harmony in the kitchen and between the Front of the House and kitchen.
- ♦ Works well with people from diverse backgrounds and experiences.
- ♦ Seeks opportunities to train others.
- ♦ Is a willing and competent trainer.
- ♦ Gives honest and accurate information to the expo.
- ♦ Prepares staff food to the same standards as guest food.
- ♦ Takes initiative to assist other staff members without being asked.
- ♦ Makes new staff members feel welcome.
- ♦ Willingly assists where and when needed and comes into work when short-handed.
- ♦ Proactively seeks help from the right person before there is a problem.
- ♦ Is productive and fun to work with.
- ♦ Praises contributions of other staff members.
- ♦ Helps recruit high quality staff members.
- ♦ Is a team player.

Quality of Operations and Contribution To Cost Control:

- ♦ Insists that all products, equipment, and chemicals meet specs.
- ♦ Properly orchestrates station.
- ♦ Maintains high quality standards and efficient production times.
- ♦ Chooses food quality over production speed at all times.
- ♦ Line checks own station.
- ♦ Owns food quality until it pleases our guests.
- ♦ Strictly adheres to recipes and cooking procedures.
- ♦ Practices accurate portion control and proper product rotation.
- ♦ Ensures accuracy of orders.
- ♦ Able to work station and maintain high food quality standards throughout shift.
- ♦ Properly operates and maintains equipment, utensils and smallwares.
- ♦ Minimizes waste on station and communicates waste to a member of kitchen management.
- ♦ Achieves food cost through food quality, sanitation and other proper food handling methods.
- ♦ Properly times food on same ticket to be in the window at the same time.
- ♦ Properly rotates all food products and service ware.
- ♦ Practices professional sensitivity in the preparation and handling of food.
- ♦ Communicates and anticipates stock levels to avoid 86'd items.
- ♦ Takes ownership of overall cleanliness of kitchen.
- ♦ Consistently practices excellent sanitation and safety habits.
- ♦ Keeps station sanitized and zoned and communicates needed repairs immediately.
- ♦ Practices "clean-as-you-go" at all times.
- ♦ Understands and practices the concept that excellent food quality begins with sanitation.
- ♦ Quickly deals with spills and breakage.
- ♦ Is proficient in technical skills of his or her job.
- ♦ Practices the art of cooking.

Character, Stewardship and Integrity:

- ◆ Maintains a high level of energy, pace and stamina throughout every shift.
- ◆ Attentively attends shift meetings.
- ◆ Fully performs own responsibilities without supervision.
- ◆ Takes a "no blame, let's fix it" approach to mistakes.
- ◆ Mentally and physically prepared for work at scheduled time.
- ◆ Consistently demonstrates pride and a caring attitude for doing a good job.
- ◆ Shows eagerness to learn and ability to adapt to Company procedures, techniques and food sensitivity.
- ◆ Demonstrates flexibility in work assignments and other changes while maintaining Company standards.
- ◆ Takes pride in profession.
- ◆ Takes the initiative to learn.
- ◆ Actively pursues improvement of craft and cross training.
- ◆ Upholds a high standard of personal appearance and hygiene at all times.
- ◆ Views employment at Cheesecake Factory as the highest priority work obligation.
- ◆ Respects, protects and maintains equipment and property of the restaurant.
- ◆ Makes sure that all prepared food items are rung-up.
- ◆ Respects property of other staff members.
- ◆ Is honest and straightforward at all times.
- ◆ Responds positively to direction and coaching.
- ◆ Is career oriented with Company.
- ◆ Responds positively to extraordinary circumstances in the restaurant.

THE CHEESECAKE FACTORY IMAGE

Personal Appearance/Attire

Because you'll be working around food and/or having contact with our dining guests, a clean, fresh and well-groomed appearance is critical. When you were interviewed, you likely projected a clean and well-groomed appearance. In addition to your background and experience, we based a hiring decision on that image. Please continue to project that image as you continue your career at The Cheesecake Factory.

While at work, we expect you to honor our dress guidelines and standards of personal hygiene and safety. As a general rule, we require "guest appropriate" attire and appearance. This means we do not allow extreme styles of jewelry, hair, makeup, or clothing. As new fads and fashion trends emerge, we may develop additional standards and guidelines along the way. If a manager determines that your attire or appearance is inappropriate, you may be sent home to change or be taken off the schedule. Repeated violations of the Company's Personal Appearance/Attire Policy may result in disciplinary action.

Specific attire guidelines are addressed in your job related Development Guide.

Further appearance guidelines for managers may be found in the Policies and Procedures Manual.



Jewelry

For all workgroups: Rings, bracelets and necklaces must be conservative. Nose jewelry, detectable tongue piercing jewelry and other facial piercings are not permitted. Staff members may wear up to two small earrings (with a small design) in each ear, or a small hoop no larger than a dime. Non-Cheesecake pins are not appropriate for uniformed positions.

"Ear stretching," whereby progressively larger gauge loops or plugs are inserted into the ear-lobe to stretch the hole, are not acceptable for any staff member.

Kitchen: While working in the kitchen, most jewelry is not permitted. Standard sanitation guidelines require that you do not wear any jewelry other than a wedding band. Necklaces must be tucked inside clothing; bracelets, earrings and facial jewelry of any type are not permitted.

Grooming and Hygiene

Visible tattoos, either temporary or permanent, are not allowed on staff members who are in the view of the guests. Cosmetics (lipstick, nail polish, etc.) should be understated and natural looking. If you must wear cologne, please do so sparingly. Strong scents may interfere with our guests' enjoyment of their dining experience.

Fresh, clean breath, daily showering, and effective deodorant are a must! We don't want to offend any of our guests or co-workers with unpleasant body odors. If you go to the gym before your shift, be sure to shower prior to coming to work.

You must wash your hands after smoking. Staff members must take additional measures to prevent any unpleasant odors on their clothes, skin and breath after smoking and before contact with our guests.

Hair

Hair must be clean, and if longer than shoulder length, pulled off the face in a clip or a ponytail. Two-tone or spiked styles are not permitted. Please consult with your General Manager before dramatically altering your appearance (e.g., with excessively long hair extensions, unnatural hair colors or extreme cuts or styles). Some workgroups and health department codes may require that you wear a hair net and/or a cap.

Facial Hair

We prefer a clean-shaven look. However, facial hair for men (as defined below) is acceptable as long as it is **fully-grown in**, in the following styles:

1. Traditional mustache (neatly trimmed, to the corners of the mouth, no handlebar pencil thin, waxed, "Fu Manchu," or Charlie Chaplin styles).
2. Traditional full beard (neatly trimmed, no gaps or unusual styling or growth patterns).
3. Traditional goatee with or without a mustache (neatly trimmed, not fuzzy). A partial goatee or other partial beard growth ("soul patch," "imperial" or "mouche") on the chin or lower lip is not permitted.
4. Sideburns – straight sideburns, to the bottom of the ear, no "mutton chops."
5. Above all – no stubble. If you can see skin through the growth, it is not fully-grown in!

If you were originally hired with facial hair, we expect that you will keep it fully grown-in and neatly trimmed. Staff members hired without facial hair **may** grow facial hair if they are able to fully grow it in during an extended vacation or leave of absence. No partial stubby looks from a "long weekend" are allowed.

Your Personal Conduct

Your off-duty conduct may impact your employment with The Cheesecake Factory. While The Cheesecake Factory does not wish to regulate the personal lives of its staff members, you must recognize that conduct that is illegal may negatively affect your employment, especially if it reflects poorly upon the Company. Conduct that is disruptive or destructive to the restaurants, our landlords or neighbors, or on any common or shared premises, may result in disciplinary action. It is our hope and expectation that every Cheesecake Factory staff member will exercise good judgment and conduct themselves in an appropriate manner while on duty, at work, or representing the Company.

Our Reputation is Important!

We're so well known in our community that sometimes we are contacted by local TV news programs, radio stations or newspapers for a wide variety of reasons. All inquiries of this nature should be directed to your general manager or to management at the Corporate Support Center. We would never want to place any staff member in the awkward position of having to speak for the Company or your location.

We prefer that you do not respond to the media on behalf of the Company, whether you are on or off duty, unless you are directed to do so by an officer of the Company. This includes written "letters to the editor," local or national radio or TV inquiries, magazine articles, Internet message boards, or in other public forums. Additionally, we ask that your off-duty conduct not compromise the Company in any way. If you have concerns about these issues or questions, please speak to your general manager or staff relations department.

Guest's Comments

You will be amazed at the kind of comments you'll receive from other people when they find out that you work for The Cheesecake Factory! Our guests always have a lot to say about our Company. We try to stay current with restaurant trends and our guest's needs. This is where you play a big part. Our guests tell you things!

Sometimes it's something wonderful:

"Oh, I love your Cookie Dough Cheesecake! It's terrific!"

Sometimes it's something we need to fix:

"Did you know that the sink in the ladies room has no hot water?"

Occasionally, as they are leaving (possibly never to return), they will tell you about a bad experience they had:

"We just thought you should know..."

In every case, the guest must be thanked for their input and all their comments must be passed on to a manager. Refer the guest's good comments to a manager if there is one nearby. If not, get specific information, give a little final *schmooze* and relay the comments to the manager at a more convenient time:

"I'm glad you enjoyed your lunch. What did you have? Who waited on you? Thanks for telling us! We look forward to seeing you again."

Anything that needs to be fixed should be taken care of promptly. If it is something you can do yourself (for example the men's room needs more towels or a table is wobbly), please take care of the problem and then let a manager know about the situation. If you cannot take care of the problem yourself, ask a manager to fix it: *"Thank you for telling us! I'll take care of that right away."*

Any guest complaint should be immediately referred to a manager. Politely ask the guest to wait for a manager or ask the guest for their name and phone number so we can contact them later.

"Oh I am so sorry that happened! If you could wait right here, I see one of our managers, and I'm sure that she would want to hear about this. I know we'll want to make this right for you."

Do not let the guest leave mad because they might not come back!

TAKING CARE OF EACH OTHER

Resolving Problems/Open Door Policy

One of the things that contribute to the great working environment at The Cheesecake Factory is our willingness and ability to openly discuss problems, and to creatively and effectively tackle tough issues. We strongly feel that all staff members have the right to confidentially air their concerns and receive honest answers, without fear of reprisal or retaliation. We want you to feel that you can discuss concerns in an atmosphere that is open, honest and caring.

We like to try and solve situations in the initial stage at your location. Your first link to solving problems is your workgroup manager. He or she knows your job, your schedule and other issues that can affect your job performance. If, for some reason, you cannot speak with your workgroup manager, you should speak with your general manager or another manager with whom you feel comfortable. You always have the option to seek out a member of the corporate staff relations department, or any other management staff.

It is our goal that you will feel comfortable in coming forward to seek answers and solutions as well as to give us your ideas and opinions. We welcome and depend on your input to keep us the dynamic, growth-oriented organization that we are!



For serious staff relations' issues, you may contact the Staff Relations CARELINE at 800-241-5689, if you are unable to speak to a member of your management team.

Staff Relations' CARELINE

We hope that you'll find your work environment to be caring, friendly, professional, and respectful. We realize that occasional day-to-day job-related issues surface that may cause concern for you. We have found that these issues (related to scheduling, supplies, training, etc.), are best solved by your GM or a member of your management team.

If for some reason, you experience difficulties with a guest, staff member or working conditions, we hope that you will take advantage of our Open Door Policy and speak directly to one of your managers. If your issue is of a serious nature or you feel uncomfortable in approaching a member of your management team, please feel free to contact your staff relations representative, whose name and number can be found on the Staff Relations CARELINE poster hanging in your restaurant. We also have a toll free Staff Relations "CARELINE" at 800-241-5689 available 24 hours a day, 7 days a week.

The CARELINE provides an opportunity for you to come forward to report serious problems or any illegal or unethical act that violates The Cheesecake Factory values. You will be asked to supply your restaurant location and specifics of the issues involved, but you may report anonymously. It is our sincere desire to keep The Cheesecake Factory a healthy, happy and great place to work.

Counseling Process

Although employment by the Company can be terminated at will, we want our staff members to succeed and excel at their jobs. When unacceptable behavior occurs or poor performance develops, we want the staff member to correct it. Although violations of Company policy may result in immediate discharge, we often employ other measures to constructively address problem areas.

The disciplinary process MAY include any or all of the following:

- ◆ Verbal counseling(s)
- ◆ Written warning(s)
- ◆ Suspension without pay/ final warning(s)
- ◆ Discharge

We often choose to document job performance issues or instances of misconduct on "Coaching and Counseling" forms ("C&Cs"). The severity of disciplinary action depends on the seriousness of the offense, length of service and other factors and may range from verbal counseling to immediate discharge.

© 2005 The Cheesecake Factory Restaurants, Inc. ◆ Confidential Information ◆ Do not duplicate or distribute outside of this company.

The Cheesecake Factory reserves the right to utilize any of the above procedures in the disciplinary process, in any order, and the Company is not limited to utilizing a progressive disciplinary system when taking corrective disciplinary action against a staff member.

Relationships with Guests and Staff

We pride ourselves on having a friendly and congenial work environment. You may form bonds and develop friendships with many of your co-workers and guests. Maintaining an environment that promotes this friendly atmosphere imposes certain responsibilities on each staff member. One of these responsibilities is to use your best judgment in developing relationships beyond the friendship stage. We have found that casual dating relationships between staff members or between guests and staff can sometimes lead to uncomfortable situations in the workplace, especially if and when these relationships end.

We discourage the practice of initiating dates or accepting dates while on duty. You can say "no" at any time. These guidelines also extend to guests. Staff members may never solicit a date with a guest while on duty.

The Cheesecake Factory reserves the right to intervene in situations where personal relationships cause a disruption or negatively interfere with work performance, the safety of others or guest service.

Company policy discourages dating and personal relationships between managers and staff. There are too many pitfalls that can result, including possible allegations of sexual harassment, favoritism and unfair treatment.

A social or romantic relationship between a manager and staff member that causes a workplace disruption can lead to disciplinary action up to and including discharge. If a manager pressures you to grant unwanted social favors of any kind, report this to your general manager, area director, staff relations department, or to the Staff Relations CARELINE at 800-241-5689. If you report an occurrence, you will be protected from any form of retaliation from a manager, coworker, guest, or vendor.

Employment of Relatives

Although we do not have a strict policy that prohibits employment of relatives and spouses, there may be some circumstances where restrictions apply. For example, we may refuse to place one relative or spouse under the direct supervision of another relative or spouse. Additionally, there may be a circumstance where we would refuse to place both relatives/spouses in the same department or location if the work involves potential conflicts of interest, or for business reasons of supervision, safety, security, or morale.

Drug and Alcohol Testing

The Cheesecake Factory is committed to providing an environment that is safe for all staff members. We prohibit the use, sale, possession, distribution, or transfer of illegal drugs or medically unauthorized controlled substances while on duty or on company premises. We prohibit the use of alcohol while on duty or while operating any company equipment or vehicles. To insure that staff members are fit for duty and unimpaired by drugs, controlled substances or alcohol, we require testing procedures when:

- ◆ There is reasonable suspicion that you are using drugs, have possession of drugs or are under the influence of drugs and alcohol while at work or conducting company business.
- ◆ You are found to have possession of illegal drugs, drug paraphernalia or unauthorized alcoholic beverages at the workplace.
- ◆ You are involved in any drug or alcohol related incidents while on the premises, conducting company business or while at work.
- ◆ Following a work related accident or injury.

In certain instances, a staff member who self identifies a substance abuse problem and who has not experienced any job performance issues or violations of our Drug and Alcohol Abuse Policy may request one unpaid leave of absence (up to 30 days) to enter a certified drug or alcohol rehabilitation program.

Policy Against Harassment & Discrimination

The Cheesecake Factory is committed to providing a work environment that is free of all types of harassment and discrimination, including sexual harassment. In keeping with this commitment, we maintain a strict policy prohibiting harassment and discrimination. This policy applies to all staff members, members of management, guests, and vendors.

All forms of harassment and discrimination are prohibited, including verbal, visual and physical behaviors. If you feel you have encountered any form of harassment or discrimination (or have observed harassment or discrimination), you can confront the offender and let him or her know that the conduct is unacceptable. It is acceptable to tell the harasser to "stop it." Additionally, you should immediately report the incident to your workgroup manager, general manager or a member of the corporate staff relations department. We consider any occurrence of perceived harassment or discrimination as serious, and we encourage you to seek out remedies within our organization to help investigate and solve it.

A prompt and confidential investigation will take place resulting in prompt and appropriate action designed to end the unwanted or offensive conduct. Because an investigation will involve sensitive issues, we ask that you consider maintaining confidentiality during this phase until a final resolution is achieved. All reports may be made without fear of reprisal or retaliation.

Please refer to our expanded policy statement later in this handbook.

To report any occurrence of discrimination or harassment, please see your workgroup manager, general manager or a member of the corporate staff relations department. You may also confidentially call the Staff Relations CARELINE at 800-241-5689.

THE FORBIDDEN

It is our intention to be fair in dealing with all staff members and we expect all staff members (management and non-management) to conduct themselves in a responsible manner. While it is not possible to list every conceivable action that may result in disciplinary action, the following actions are considered serious in nature. These actions may result in disciplinary action, up to and including termination, even for a first time offense. **However, you are reminded that this list is not exhaustive nor is the omission of any specific act from this list intended in any way to alter the at-will nature of your employment with the Company.**

- ◆ Receiving guest complaints or approaching a guest regarding the lack of or amount of a gratuity.
- ◆ Accepting a gratuity from a guest in exchange for preferential seating.
- ◆ Giving poor service or receiving a poor "shopper" report.
- ◆ Unauthorized possession, misuse or destruction of Company property, or property belonging to a co-worker, guest, manager, or vendor.
- ◆ Overcharging, undercharging or failing to charge for food, beverages and/or retail items.
- ◆ Rudeness to a guest, co-worker, manager, or vendor.
- ◆ Approaching the front desk to make complaints or requests regarding preferences in guest seating.
- ◆ Physical or verbal altercation with a guest, manager, fellow staff member, or vendor; threatening physical violence or harm towards a guest, manager, fellow staff member, or vendor or bringing or threatening to bring weapons onto the premises.
- ◆ Discriminatory conduct and/or derogatory remarks based on age, sex, race, color, national origin, religion, medical condition, disability, sexual orientation, or other protected classifications.
- ◆ Any unsafe act or safety violation or failure to report illegal or "Forbidden" activities or actions.
- ◆ Mishandling of Company funds or guest credit cards, or falsification of Company records (e.g., employment applications, switched charges, altered charges, unauthorized charges, walkouts, time keeping abuse, cheating on quizzes).
- ◆ Drinking, possession, use, or distribution of alcohol while on duty, during a break or meal period, or reporting to work unfit for duty, and/or under the influence of drugs or alcohol.
- ◆ Selling, soliciting, or possession of illegal drugs or controlled substances or drug paraphernalia on the premises.
- ◆ Serving alcohol to a minor.
- ◆ Insubordination or refusing to carry out an assigned task or duty.
- ◆ Gambling on the premises.
- ◆ Unauthorized or unsupervised entry or access onto the premises, or restricted areas of the restaurant, especially during non-working hours.
- ◆ Sharing, selling, photocopying, distributing or other non-authorized use of any "confidential" materials (including this Handbook, Development Guides, training materials, menu item recipes, ingredient item list, or preparation method).
- ◆ Not following recipes and/or kitchen procedures.

Throughout this Handbook and other company publications (e.g., Development Guides), we list additional standards and guidelines.

We expect you to know and follow these policies and practices. Since it is impossible to list every occurrence that may arise during the course of your employment, please consult your manager when you have questions or concerns regarding our policies and procedures.

THE SHIFT

Minimum Shifts Worked

In order to stay in touch with the pace and feel of the restaurant, and to keep up with new menu items and policies, we require all restaurant staff members to work a minimum of three shifts per week. At least one shift must be a day shift. Staff members who repeatedly give away or trade shifts to work less than 3 shifts per week may be removed from the schedule.

Your Scheduled Shifts

We know how important your schedule is to you. While your manager will try to be sensitive to your needs and the needs of other staff members, the Company reserves the right to extend or shorten your scheduled hours based on the needs of the restaurant.

You are responsible for being at your workstation, in the correct attire, on the dates and times posted for your work schedule. Being on time means that you are in your workstation, properly attired and ready to work at the time posted on your schedule.

A manager must authorize overtime in advance. You may not work additional shifts if they cause you to work more than 40 hours in one workweek (or 8 or 12 hours in a day for locations with daily overtime regulations), unless approved in advance by a manager.

Missing a scheduled shift or a stand-by shift, without advance notice, and/or without scheduling a qualified replacement, may be grounds for disciplinary action, up to and including discharge.

Stand-By Shifts

You may be scheduled for stand-by shifts (sometimes referred to as "on call"). A stand-by shift means that you must call a manager at a specified time to find out if you'll be needed to work. You are not restricted on where you make this call, as long as you are fit for duty, will have enough time to get ready for work and report when needed. You will be given a reasonable amount of time to report to work for your shift. Stand-by shifts are critical to the smooth operation of your restaurant! You must treat them as regular shifts, and report to duty when requested or find a qualified replacement to cover your shift if you are unable to work.

Station Assignments

A manager or a schedule writer assigns stations at the time a schedule is written. Care is taken to assign stations according to ability, skills and availability. You may not switch stations with another staff member or make changes to a station map without first obtaining your manager's approval. If you are assigned a closing station, you will be required to stay on shift until all guests are graciously served.

Phasing

Phasing means the rotating closure of a station or section of the restaurant. The manager on duty for the shift is responsible for phasing. Staff members may not phase stations, sections of the restaurant, themselves, or each other. After a staff member's station is phased by a manager, the staff member must:

- ◆ Finish up service to any guests remaining in the station, or
- ◆ If the station is still busy (for example, at shift changeover), the original staff member transfers the care of the station and, if applicable, the guest check, to the new staff member assigned to the station.
- ◆ Complete all assigned sidework duties and leave the station clean and stocked for the next shift.
- ◆ Do an accountability (if appropriate) and turn it in to CashLink.
- ◆ Check-out with the appropriate manager or shift leader.

Lateness

Lateness puts a burden on every staff member and directly affects our guests, your co-workers and production. If you are going to be late (even by 10 minutes!), you must call your manager before your scheduled start time. This phone call will alleviate any doubts that you are on your way – and that you are OK. It is not enough to leave a message with the person who answers the phone. You must speak with a manager. Repeated lateness may result in disciplinary action, up to and including discharge.

Covering and Switching Shifts

If you can't work your scheduled shift or stand-by shift, it is your responsibility to arrange for a qualified replacement to work in your place. Both you and your replacement must sign the schedule change book to confirm the switch, and a manager must approve the change by initialing the entry. A manager may disapprove a proposed shift change if the change will cause a staff member to work overtime, work less than 3 shifts per week, work a double shift, work a split shift, or work back-to-back shifts.

If you are sick or unable to come to work, don't wait until the last minute before trying to find a qualified replacement! If you feel ill the day before your scheduled shift, start calling your co-workers at that time. If you recover before your shift starts, it's much easier to call your replacement and cancel than it is to try and find a replacement at the last minute!

Because we ask staff members to find replacements, you may decide to exchange phone numbers for purposes of covering a shift. Exchanging phone numbers is a voluntary practice. We ask that you be respectful of other staff members' privacy. Any abuse of others' telephone numbers or other personal information is grounds for disciplinary action, up to and including discharge.

Your reliability is important to the success of the shift. No-shows, repeated absences or repeated tardiness may result in disciplinary action, up to and including discharge.

Attendance

If you are unable to report to work, you must make every attempt to find a suitable replacement to cover your shift. (See "Covering and Switching Shifts") **All unanticipated absences must be reported at least 4 hours before the start of the scheduled shift.** Your absence must be reported directly to a manager – do not leave a message with the front desk or a fellow staff member. You must call in the absence – please do not have a friend or relative call for you (unless it is an emergency and you are unable to get to a telephone).

Absences of three or more consecutively scheduled shifts due to illness or injury will require a doctor's statement and a release to return to work. If you are absent for three or more consecutively scheduled shifts without contacting your manager, we will consider your action to be a voluntary resignation.

Breaks and Meal Periods

You work hard and deserve a break! We want you to take all of your breaks – please be sure to inform the manager on duty when it is time for your break or meal period. Please refer to the posters near the time clock regarding our policies on breaks and meal periods. In many cases, we will need to have another staff member cover your station or work area while you are on a break so that guest service does not suffer. Please be sure to clock in and out for any meal periods of 30 minutes or more. Failure to take your mandated break and meal periods may result in disciplinary action, up to and including discharge.



Staff Meetings

Staff meetings are considered part of your job duties. When you attend a mandatory meeting, you are compensated for your time at your regular hourly rate. Here are some guidelines regarding meetings:

1. You must attend

These meetings are as important as any regular shift and attendance is required. If you are not able to attend a meeting, you must contact your manager prior to the meeting date. You are still responsible for knowing the information covered at the meeting.

2. Be on time

Meetings will start at the posted time for the convenience of those attending.

Parking

In certain locations, we provide convenient parking for our staff. Check with your manager to see if a portion of the parking lot is specifically designated for staff use. In some cases there is a parking charge, which may be deducted from your payroll checks or charged directly by the facility owner. Whether you park in a Cheesecake Factory restaurant parking lot or in a common area (such as mall parking), please observe all posted parking regulations for the area.

Staff vehicles parked on The Cheesecake Factory or Mall property are done so at the sole risk of the staff member. The Cheesecake Factory assumes no liability for any damages or thefts incurred on The Cheesecake Factory or Mall property while you are working. Do not park in unauthorized areas or during unauthorized times. You will be responsible for all towing and other fees or charges that may be imposed for improper parking.



Lost and Found

Immediately report any lost items (by guests or staff) to a manager. Any items left behind by guests must be immediately turned in to the manager on duty. Please do not place found items in your locker or on your person, to avoid claims of unauthorized possession. Credit cards left behind by guests must be placed in the safe by a manager. Many restaurants utilize a lost and found book register in the manager's office or at the front desk.

When on the phone with a guest regarding their lost item, be careful about specifically identifying what has been found or positively telling a guest "yes, we have it." Many items (e.g., sunglasses) may sound the same when described over the phone. We would hate to raise a guest's expectations that an item has been found if it is not truly the guest's missing item. Tell the guest that you will check for the lost item and have a manager return their call.

MONEY, MONEY, MONEY

Each payroll period is two weeks long, beginning on a Wednesday and ending two Tuesdays later. Paychecks are distributed every other Tuesday, one week after the pay period ends by Direct Deposit, CashPay® or a live check.

Direct Deposit

Staff members are encouraged to receive their paycheck funds through direct deposit to their savings or checking account. The Company offers direct deposit, at no charge to your bank of choice (providing your bank has direct deposit capability). To activate direct deposit, an Authorization for Direct Deposit Form should be obtained from your OST. We strongly encourage you to have your bank complete the form so that the account and routing numbers are accurate. The completed form must then be returned with either a voided check or deposit slip to your OST. Due to banking requirements it may take several weeks for your Direct Deposit to activate.

Your paycheck stub will then be mailed to your home address.

CashPay®

If you do not have a relationship with a traditional bank, CashPay® offers you the opportunity to have your paycheck automatically deposited into a secure ATM account. Your cash can be accessed 24 hours a day, through participating ATMs throughout the country.

Your CashPay® card may be used at any HONOR/STAR/PLUS ATM, which provide operating instructions in English or Spanish. For more information regarding CashPay® options and enrollment forms, please see your OST.

Your paycheck stub will then be mailed to your home address.

Live Check

For those staff members who want to receive a live check, it will be mailed to your home address via US Mail on the Monday before payday.

Always review your check stubs to verify proper payment of your hours worked, tips declared, deductions, and other payroll information. We recommend you keep all of your paycheck stubs for record keeping purposes.

Time Keeping

Your pay is calculated from your timekeeping records. Accurate time keeping on your part will insure an accurate paycheck. You must know your POSitouch number to clock in.

- ♦ Do not begin work until you have clocked in.
- ♦ If you are late or early by more than 3 minutes, **you must have a manager clock you in!**
- ♦ When your shift is over, clock out.
- ♦ We recommend you print a receipt of your hours. If you want a receipt of your hours, follow the prompts and print your own. Always check your receipts for accuracy.
- ♦ Keep the last receipt of the pay period until you receive your paycheck to verify that you are correctly paid and that your tips are accurately recorded.
- ♦ If the POSi timekeeping system does not allow you to clock in or out, see a manager.
- ♦ Never clock in or out for another staff member. Doing so is grounds for disciplinary action.



Always check your paycheck stubs against your time keeping receipts to ensure you are properly paid for all hours worked. Failure to follow our timekeeping provisions may result in disciplinary action.

Garnishment and Wage Assignment Processing

Occasionally a court or government agency may direct The Cheesecake Factory to deduct monies from a staff member's paycheck to satisfy a judgment, tax lien or child support. Due to the additional handling required by our payroll department, there is a nominal fee for administering and processing garnishments and wage assignment orders. These fees are assessed with each paycheck that the garnishment or wage assignment occurs.

Tip Declaration (Tipped Staff)

Accurate tip income reporting helps establish a true record of your earnings. This is important for establishing a credit history when you apply for a loan, or purchase a car or a home. Reporting all tip income also benefits you for Social Security purposes, unemployment benefits and in many cases, workers' compensation or other disability benefits, if needed.

In addition to The Cheesecake Factory policy that requires tip reporting, federal law requires that directly and indirectly tipped employees declare 100% of all tips earned as income for tax purposes. At the end of each shift, tipped staff members will be prompted by the timekeeping system to report tips at the time they clock out. If aggregate reported tips for your restaurant do not reach an acceptable level for servers and bartenders, the Company is required to allocate tip income among all tipped employees. This means that if you under report your tips, you may be contributing to a situation that results in an allocation of additional tip income on your year-end W-2, with potentially adverse tax consequences for you. In some states, the Company may automatically deduct a tip credit against your wages. Is it your responsibility to accurately report your tips each shift. Failure to do so may lead to disciplinary action.

Federal law requires that you keep accurate daily records of tip income. Daily records must show:

- ◆ Your cash tips
- ◆ Your credit card tips
- ◆ The amount of tips you receive (if any) from other staff members
- ◆ The amount you "tip out" to other staff, such as bussers, bartenders, etc. and their names (the IRS expects you to keep this information to prove that you don't owe taxes on these tips)

Your OST has booklets available for you to record your daily tips received and those paid out.

Indirectly tipped staff members must also declare tips and keep accurate daily records. This includes bussers, service bartenders, food runners, and any other staff members who receive at least \$20.00 or more per month in tips.

Good records are your only defense if you get audited! We want to make sure that you understand 100% tip reporting and your obligations. If you have any additional questions, feel free to see your manager, OST or contact the corporate staff relations. Additional information can be found on the Internal Revenue Service website at www.irs.gov. Publications 1872 and 1872SP (the Spanish version) specifically address tip reporting for staff members in the Food and Beverage Industry.

Tip Credits

Except where prohibited by law, the Company may take a tip credit against minimum wage for tips received directly from guests or other staff. This credit differs from state to state but generally does not exceed the federal limit. Such credits are automatically treated as reported tips for all payroll tax purposes. The same hourly tip credit is taken for all hours worked during a workweek, including overtime hours, if applicable. You are obligated to report all tips retained by you in excess of any tip credits reported by the Company. Check with your OST if you have any questions regarding the Company's tip credit policy.

Overtime

Various state and federal laws determine how and when overtime is paid. Typically, overtime is paid at the rate of time and one-half of the hourly rate in effect after you work 40 hours in one workweek (or 8 or 12 hours in a day, for some states with daily overtime requirements).

Since some staff members work in more than one job classification, we use the "rate in effect" method for determining the overtime rate. Under this method, the staff member will receive 1½ times the regular rate of pay for the job classification the staff member is working in at the time he/she becomes eligible for overtime compensation.

Your manager must approve all overtime in advance.

W-2 Reprints

The Cheesecake Factory partners with a company called ADP to provide you with W-2 reprints. For reprints from 2004 forward, contact ADP's Call Center at 800-422-9410, Monday – Friday from 9:00 a.m. – 7:00 p.m. Eastern Time.

For reprints from 2003 and prior, please contact The Cheesecake Factory's Payroll Department at 818-871-3012. Leave a message with your social security number, current address, which years you need, and a phone number where you can be reached. Please allow one week to process these requests.

If you have questions about your W-2, please contact the Payroll Department at 818-871-8383 and leave a message with your social security number, current address, year(s) in question, and a phone number where you can be reached. Please allow two weeks to process your questions.

OPPORTUNITIES FOR GROWTH

Restaurant Transfers

If you are relocating to another city and would like to transfer to one of our other restaurants, please speak to your general manager. In order to be eligible for a transfer, you must have been at your current location for at least 6 months, you must meet or exceed our performance expectations as defined in this Handbook and Development Guides and you must complete a Transfer Request Form.

Please do not try to arrange your transfer by contacting the receiving restaurant location. Always speak to your work group manager, general manager or executive kitchen manager first.

Please note that benefit plans may vary in other restaurant locations or in other restaurant concepts.

Career Development

The Cheesecake Factory is an equal opportunity employer and encourages its qualified staff members to seek out promotional opportunities at either the Corporate Support Center or other restaurant locations. To view all open Cheesecake Factory positions, visit our careers website at www.cakecareers.com. See your general manager to inquire about possible openings and the Company's internal promotion guidelines.

RECOGNIZING YOUR COMMITMENT TO SERVICE

Staff Appreciation Award

Each month the management staff votes for a staff member who has made a positive impact to the restaurant. This hard working person is honored with the title of *The Linda Candiotti Team Member of the Month*.

Commitment to Excellence Awards

The annual Commitment to Excellence Awards were established to recognize staff members who are the best at what they do and who exemplify what The Cheesecake Factory represents. These staff members are dedicated to upholding our values and continuing the legacy of excellence that The Cheesecake Factory has established. Each restaurant may nominate up to one staff member per award category.



Recognition Program

We have a fantastic Recognition Program that is our way of paying tribute to the staff members who demonstrate outstanding knowledge, dedication and performance. We owe our tremendous success, in part, to those special individuals.

A few of the categories and accompanying awards of our recognition program are:

Technical Kitchen Skills

- ♦ Line cooks certified in at least 3 stations receive a black, 3-star MVP hat.
- ♦ Line cooks certified in all stations receive a maroon, 5-star MVP hat.

Performance Development and Training

- ♦ Designated Trainers receive a Designated Trainer pin.
- ♦ Lead Trainers receive a Lead Trainer pin.
- ♦ New Restaurant Openers receive a New Restaurant Opening pin for that particular location.
- ♦ New Restaurant Openers with 5 or more openings receive a special denim jacket.

Awards of Excellence

- ♦ Above and Beyond award is given to a staff member who steps forward to distinguish him/herself from his/her peers.
- ♦ Evelyn Overton Award of Excellence is given to someone who has gone above and beyond the call of duty with an incredible act(s) that directly impacts the Company as a whole.

Length of Service Awards

- ♦ 3-Year – Three-year pin and a logo “3-Year Team Member” sweatshirt.
- ♦ 5-Year – Five-year pin and a logo “5-Year Team Member” travel bag.
- ♦ 10-Year – Ten-year pin and a logo “10-Year Team Member” letterman jacket.
- ♦ 15-Year – Fifteen-year pin, a watch and a cash award of \$500.
- ♦ 20-Year – Twenty-year pin, a silver platter and a cash award of \$1,000.
- ♦ 25-Year – Twenty-five year pin, a silver Tiffany & Co.™ cake server and a cash award of \$1,500.

Staff Taking on Additional Responsibilities (S.T.A.R.)

- ♦ Staff members who perform additional workgroup related tasks and who always display excellence in their job functions as well as exhibit role model leadership of our philosophies and culture.
- ♦ S.T.A.R. staff members will receive a S.T.A.R. pin, higher pay per hour for administrative work, one - 100% comp'd meal per administrative shift, and special consideration on schedule requests.

Most of these awards come with an attractive pin. We encourage you to wear your pins proudly and show them off to your fellow staff members and our guests!

A few guidelines...Front of the house staff members may wear up to but no more than two recognition pins in the restaurant. Pins must be worn on either the left or right upper chest, on the collar or at the neck. Kitchen staff members may wear more than two recognition pins if neatly and securely placed on their uniform hats. Bakers, in those restaurants where hats are part of the uniform, may also wear more than two recognition pins on their uniform hats. For safety and health purposes, extra care must be taken to ensure pins are secure on all uniforms or articles of clothing. We would hate to serve a 5-year service pin in a guest's dish!

In order to maintain the integrity of the recognition pin program we ask that you wear only the above-mentioned recognition award pins as part of your uniform. As much as we like to see our cool retail pins worn, they are not considered part of your Cheesecake Factory work attire. Of course, when you are off-duty, we'd love you to wear any amount of our great Cheesecake Factory pins.

YOUR BENEFITS – HOURLY STAFF MEMBERS

The Cheesecake Factory is proud to offer a benefits package we feel is one of the best in our industry. It's designed to give you the choice to decide what is right for your own personal needs.

Our Healthcare Plan Includes:

- ◆ Choice of 3 different medical plans
- ◆ Choice of 3 different dental plans
- ◆ Life and Accidental Death & Dismemberment (AD&D) insurance (if you enroll for medical coverage)
- ◆ State disability insurance in select states
- ◆ Leave of absence program
- ◆ Flexible Spending Account (FSA)

The following pages summarize these plans. Also provided is a section called Summary Plan Information, from the Summary Plan Description, which provides some formal information required by law (ERISA).



Questions about your benefits should be addressed to your OST or to the Benefits Department at 818-871-3075.

Medical Benefits

You have a choice of three comprehensive medical plans that offer varying degrees of coverage:

- ◆ **United Healthcare Essential EPO** – The Exclusive Provider Organization (EPO) allows you to see any physician, specialist or other provider within the network without a referral.
- ◆ **United Healthcare Advantage EPO** – Similar to the Essential EPO, but offers a higher level of benefit coverage at a higher payroll contribution but lower out of pocket expense.
- ◆ **United Healthcare Options PPO** – This Preferred Provider Organization (PPO) gives you the flexibility to see any doctor you choose in or out of network.

Dental Benefits

In addition to our Medical Plans, we also offer three dental plans designed to fit your individual needs. Eligible staff members may choose from one of the following plans:

- ◆ **Aetna Dental Maintenance Organization (DMO) Plan** – Services are provided through the network of providers for a lower payroll contribution and lower out of pocket expense
- ◆ **United Healthcare Basic Dental (PPO) Plan** – Gives you flexibility to see any dentist you choose in or out of network.
- ◆ **United Healthcare Options Dental (PPO) Plan** – Similar to the basic dental PPO, but offers a higher annual maximum benefit.



Eligibility Rules

You must work an average of 25 hours each week for 6 continuous months to be eligible for coverage. Once eligible, you may choose any health or dental care plan the Company offers. You may also enroll your eligible dependents for coverage. Eligible dependents include your spouse and dependent children up to age 19 (or to age 25 if full-time students). You will be asked to verify dependent status with a marriage license, birth certificate or school transcript. To remain eligible, you must continue to work an average of 25 hours per week on an ongoing basis.

Your restaurant will be notified of your eligibility status. Your OST will confirm your eligibility with you. You may also contact the Benefits Department directly at 818-871-3075 with any questions you may have. If you are eligible and do not wish to enroll, we will ask you to sign an Insurance Waiver form indicating you are "refusing" coverage. If you fail to complete enrollment paperwork by the due date, we will consider that you have declined coverage.

© 2005 The Cheesecake Factory Restaurants, Inc. ◆ Confidential Information ◆ Do not duplicate or distribute outside of this company.

If you are rehired within 30 days of termination, your employment status will be reinstated to your original date of hire. If participating in the Group Health Plan, coverage may also be reinstated, upon request. Reinstatement of health benefits is not automatic. Contact the Benefits Department within 30 days of returning to work to have your benefits reinstated in a timely manner.

Maintaining Your Eligibility

To maintain enrollment in the medical and dental plans, you must work on the average a minimum of 25 hours each week (50 hours each pay period) within a quarter (based upon pay periods). If in any quarter, you do not maintain the average minimum requirement of 25 hours worked each week, your participation in the Plan will be terminated due to "Reduction of Hours." You will be offered COBRA and you may re-apply for the Plan during the Plan's next "Open Enrollment." If you have two consecutive pay periods with zero hours, your enrollment in the Plan may be terminated (unless you are on an approved leave of absence such as a Family Medical Leave or other legally protected leave of absence).

Applying for Insurance

If you become eligible for the Plan and wish to enroll, you must complete the enrollment paperwork. These forms must be completed and returned to your OST by the 15th of the month prior to the insurance effective date. (Example: If your insurance effective date is January 1st, you must complete all forms and return them to your OST by December 15th.) Failure to return all of your completed enrollment forms by the due date will result in non-enrollment as well as having to wait until the next "Open Enrollment" period before you can re-apply.

Making Changes to Your Benefits

You may be able to make enrollment changes during the year if you have a change in family status, such as marriage, annulment, divorce, the birth or adoption of a child, death, or the loss of medical coverage under another plan. To make a change to your coverage, you must submit the appropriate forms to the Benefits Department within 30 days of the change. Failure to complete the proper Enrollment Application and Change Form and return it to your OST by the 30th day will result in your dependent not being added to your existing healthcare coverage. Your next opportunity to enroll this eligible dependent would be during the Plan's "Open Enrollment" period. Keep in mind that dependent coverage carries additional monthly premium costs. In order to delete a dependent who is no longer an eligible dependent (e.g., legal separation or divorce, attainment of age limit for dependent) from your healthcare coverage, you must complete a "Change Form" within 30 days of the date of legal separation, divorce or other qualifying event date and return it to your OST. Failure to notify us of this "Change In Status" could result in COBRA violations that may result in denial of coverage.

Open Enrollment

Beginning November 2005, Open Enrollment will be held in November of each year with a January 1st effective date. Look for posters, paycheck attachments and meeting notices that announce "Open Enrollment" and then be sure to see your OST for enrollment materials.

Costs To You

The Company contributes a significant portion of the cost of your coverage. You are responsible for paying your portion of the premiums, which are typically deducted from your paychecks. In tip credit states, we ask tipped staff members that elect family coverage or elect to pay their premiums with after-tax dollars, to pay the cost of their coverage on a monthly basis by check or money order at the beginning of each month. If deductions cannot be taken from a pay check, staff members must pay by check or money order within two weeks of being billed and sent to the Benefits Department. Failure to pay your full premium by the due date will result in termination of enrollment in the Plan and restrict your rights to continuation of insurance through COBRA and re-enrollment into the Plan.

What If You Don't Want Insurance Right Now But Decide You Want It Later?

If you do not apply for coverage or if you decline coverage in our healthcare plan when you first become eligible and later decide that you want insurance coverage, you must wait until the Plan's "Open Enrollment" and you will be subject to the eligibility requirements.

Coverage is not automatic! To be enrolled in the Plan, you must complete and submit the proper enrollment forms by the 15th of the month prior to your eligibility date. To verify your enrollment, check your paycheck for medical and/or dental deductions. Once you are enrolled, you will receive medical and dental ID cards within two weeks of your effective date. If you cannot verify your participation within 30 days of your eligibility date, see your OST immediately!

Life Insurance/AD&D

If you are enrolled in one of our medical plans, you are eligible for a lump-sum "term" Life Insurance policy as well as an Accidental Death and Dismemberment (AD&D) policy, which is Company paid.

Flexible Spending Accounts

Flexible Spending Accounts (FSAs) help you reduce your taxes by allowing you to set aside money, on a pre-tax basis, to pay for certain health and dependent care expenses. If you work in a non-tip credit position, you may take advantage of either the Health Care Spending Account, the Dependent Care Spending Account, or both, depending on your needs.

- ◆ **Health Care Spending Account** - You may contribute an annually pre-determined amount of money from your paycheck on a pre-tax basis to pay for certain health care expenses that aren't covered under any medical, dental or vision plan in which you and your eligible dependents are enrolled.
- ◆ **Dependent Care** - You may contribute an annually pre-determined amount from your paycheck on a pre-tax basis to pay for certain dependent care expenses so that you (and your spouse, if you're married) can work or look for work.

If you're interested in enrolling in an FSA, or learning more about them, see your OST for enrollment materials or contact the Benefits Department.

*If you acquire a dependent (e.g. get married, have or adopt a child) you must complete an insurance carrier specific "Enrollment Application and Change Form" within 30 days of the marriage date or the birth/adoption date of the child in order to add the dependent to your group insurance policy.
Promptly return the completed form to your OST.*

If Your Insurance Coverage Ends

If your insurance coverage ends due to:

- ◆ Reduction of Hours (working less than the required average 25 hours per week in a quarter based upon pay periods), or
- ◆ You leave the Company,

you may be eligible for continuation of benefits under COBRA if you continue to reside in an area where our Plan exists and you are current on your premiums. You will be notified by our Third Party COBRA Administrator (currently Conexis), via First Class Mail about your option to continue coverage and the conditions that must be met to secure uninterrupted coverage. This notice is mailed to your last known address. Therefore, please make sure to provide your OST with your most current information.

Your covered dependents that lose coverage due to a qualifying event or change in status may also be eligible for continuation of benefits under COBRA. Depending on the event, which qualifies you or your dependents for COBRA, you may be eligible to continue coverage for 18, 29 or 36 months.

You must pay the full cost of the monthly premium plus a 2% administration charge. You must observe the notification deadline requirements to secure COBRA coverage:

- ♦ You must pay any retroactive premiums to Conexis within the specified time frame from the date coverage ends (coverage ends on the last day of the month in which you terminate as long as your premiums are up to date).
- ♦ You must apply for coverage by the date specified on your COBRA notice.
- ♦ You must continue to make your monthly premium payments by the first day of each month directly to Conexis.

Life and AD&D benefits are not continued under COBRA.

If you have any questions about continuation of benefits under COBRA, please contact Conexis at 877-722-2667 x3360 or visit their website at www.conexis.org.

The above highlights are not Plan documents. For complete details about benefits offered, refer to the Summary Plan Description and your Plan Booklet.

Workers' Compensation Insurance

Your state has enacted workers' compensation laws that provide medical and disability benefits to you in the event of a work related injury. While state laws vary with respect to the amount of benefits provided, in general, your medical bills associated with a work related injury will be completely paid if you report your work related injury to your management team within a reasonable time frame and seek treatment as directed by our claims administrator.

Disability benefits associated with a work related injury are paid after a state defined waiting period (generally three to seven days). These temporary disability benefits are paid as a percentage of your wages and reported tips (if applicable). Should your treating physician determine that you are able to return to either full or restricted work, you must notify your manager to coordinate your return to work. Should you not accept a full or restricted position that is offered to you, your temporary disability benefits may be compromised.

Workers' compensation benefits are designed to provide benefits to you in the event of a work related injury. You should note that these benefits do not provide for damages to your personal property. If you choose to use your personal automobile for a business related errand and are involved in an automobile accident, your injuries will be considered under the workers' compensation benefits, but any damages to your vehicle, other vehicles or other people, will be assumed under your personal automobile coverage.

Should you be involved in a work related injury, it is your responsibility to immediately notify your supervisor or manager. **Even if you think your injury is minor in nature, report it!** Depending upon the severity of the injury and your medical needs, a manager may refer you to a medical care provider that has expertise in work related medical injuries. Should you choose not to seek medical attention for your injury, the injury will be documented to protect your benefits. Should you seek medical treatment from a medical provider that is not approved by the company, your medical benefits may be compromised. Please also note that your medical and/or disability benefits may be delayed or declined should you fail to report your injury by the end of your shift.

Our goal is to keep our staff members working as a team, even if duties are restricted due to a medical condition. If you are injured and unable to perform your regular duties, you may be asked to temporarily return to work in another capacity within the restricted duties outlined by your treating physician. These restricted duties will continue until you are released back to your usual and customary duties. The wages while working in a restricted duty capacity will be no less than your disability benefit income. As mentioned above, should you not accept a full or restricted position that is offered to you, your temporary disability benefits may be compromised.

It is essential to report unsafe acts or conditions to your management team. Should you report a work related injury, your manager will ask you specific questions regarding the cause of the injury so we can also focus on the prevention of future accidents. You will be required to adhere to our safety policies and utilize appropriate safety devices. Should you by-pass our safety policies and procedures, appropriate disciplinary action may be taken.

© 2005 The Cheesecake Factory Restaurants, Inc. ♦ Confidential Information ♦ Do not duplicate or distribute outside of this company.

Above all, your safety and health is critical. What may appear to be a minor injury may need professional medical attention to prevent further injury. Your management team is available to assist you with any work related injury and we will support you during your recovery process.

If you have any questions regarding your workers' compensation benefits, please ask your manager, a member of our Corporate Risk Services team, or refer to the workers' compensation information posted in your restaurant.

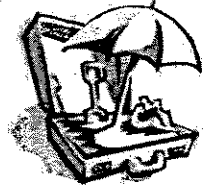
State Disability Insurance (Limited States Only)

In California, Hawaii, Rhode Island, New Jersey, and New York, a state agency may offer a partial salary continuation benefit if you are unable to work for more than one week due to a non work-related accident, injury or illness (this includes pregnancy disability). If you apply for State Disability Insurance (SDI), the benefits usually begin on the eighth day of disability. SDI benefits are not automatic; you and your doctor must complete the SDI application form and mail it to your local state agency office. Ask your doctor for an SDI form or call your local state employment agency for more information.

Vacation Pay Benefit

Hourly staff members who have at least six months of service are eligible to begin accruing vacation pay benefits. Vacation pay is calculated based on actual *hours worked* and is paid based on your base hourly wage. Eligible staff members will begin accruing vacation hours after six months of continuous employment at the rate of approximately one week of vacation during your first year, two weeks of vacation after two years, and three weeks of vacation after five years.

Once you qualify for this benefit, you accrue vacation hours only during those pay periods where you work at least 60 hours (to a maximum of 80 hours per pay period). Once accrued, you do not lose vacation hours already earned. The maximum amount of vacation time that can be accrued is 120 hours.



You must request vacation at least one month in advance. Vacations are subject to approval by your managers and may not be scheduled during peak periods, such as the week of Spring Break, the week of Mother's Day, the period between Memorial Day and Labor Day, and the period between Thanksgiving and New Years Day. Other restricted vacation periods may be added that are specific to your location.

Holidays and Calendar Events

In order to accommodate our guests, some of our restaurant locations (such as Las Vegas) may be open 365 days per year. If you work at one of these locations, you will be scheduled for – and expected to work on – all holidays, including Thanksgiving and Christmas Days. We are typically very busy on holidays and other special calendar events. You can expect to be scheduled to work on any holidays the restaurant is open. Especially busy days for us include Valentine's Day, Mother's Day, Father's Day, graduation days for local schools, the day after Thanksgiving, and the several weeks leading up to the December holidays.

You will be paid your regularly hourly rate for any time worked on holidays, except Thanksgiving Day and Christmas Day. If your restaurant is open and you work on Thanksgiving Day and Christmas Day, you will receive time and a half your regular rate for work performed on these days.

Time Off To Vote

In the event you do not have sufficient time outside of working hours to vote in a state or local election, you may be allowed to take off enough working time to exercise this important privilege. This time will be taken at the beginning or end of the regular work schedule.



If you do not have adequate time to vote due to your work schedule, please provide advance notice to your manager for the requested time off to allow the restaurant sufficient time to arrange for adequate staffing.

Jury Duty/Witness Subpoena

Although we will grant time off for you to serve in most jurisdictions, The Cheesecake Factory does not continue your wages while you are on jury duty or appearing as a witness in a legal proceeding. You may request to use any accrued and unused vacation pay, if applicable, during any period of jury or witness service.

Leave of Absence Policy

We do not have paid sick days, but offer limited, unpaid leaves of absences (LOAs) to eligible staff members. LOAs are subject to approval depending on the reason or need, the staff members' length of service and hours worked per week, among other factors. We will attempt to have a viable position available for a staff member returning from an approved LOA. However, we cannot promise that a position will be available in every case.

Certain State and Federal laws offer protection for a limited number of LOAs, based on several requirements.

LOAs are subject to approval by management, are limited in duration and are unpaid. The following types of LOAs may be available: FMLA, military, personal, or Worker's Compensation.

Staff members who request LOAs must do so in writing using a Leave of Absence Request Form. A doctor's certificate will be required for any medical-related LOA (including family care.) The doctor must indicate that you or your family member is disabled, the date the disability began and the estimated amount of time needed off of work. For family care LOAs, the doctor must also indicate that you are required to be available to care for your dependent because of their serious medical condition.

Your work group manager and general manager must sign your LOA Request Form, which must then be sent to the Benefits Department for eligibility determination. LOA requests should be submitted prior to taking the Leave and may be submitted no later than seven days from the effective date of the Leave.

The federal Family Medical Leave Act (FMLA) offers up to 12 weeks of unpaid leave for eligible staff members. FMLA eligible staff members are those who have worked for the Company at least 12 months and at least 1250 hours in the previous 12-month period. Eligible staff members may take up to 12 weeks of FMLA leave in a rolling 12 month period if the leave of absence is requested in advance, in writing, and accompanied by a doctor's note. FMLA leave may be taken to care for your self, spouse, parent, or child in the event of a serious medical condition. Benefits are protected while on FMLA if your premiums are paid and current. More details about FMLA leave are available from the Benefits Department.

Vacation benefits, insurance coverage and other benefits may be affected by a LOA. Please check with the Benefits Department for more information.

Eligible staff members may request up to one unpaid Personal LOA per year. Personal LOAs are limited in availability, limited to two weeks in length and are subject to approval by management.

If a staff member does not return to work at the end of the approved LOA period, it is treated as a voluntary resignation. Vacation and insurance benefits end, and COBRA will be offered as applicable. The staff member may re-apply for a position with the Company. However, we cannot guarantee re-employment. If re-hired, the staff member will begin accruing benefits from the new re-hire date.

Staff Meal Benefit

We offer one discounted menu item as a "staff meal" to most staff members during each shift worked. Staff meals are non-transferable and may not be "saved up" for later occasions. Refer to job classifications below for your designated meal benefit. Certain menu items are not included in the staff meal benefit, but may be ordered if full menu price is paid. Discounts apply when the meal is eaten as a "staff meal" in a designated staff area, before, during or immediately after a shift and not when seated at a table as a guest. Staff meals may not be packed To-Go. However, you may pack the left-overs from your staff meal to take home.

To order your staff meal, complete a meal ticket and have it signed by your manager, indicating your level of discount. All meal tickets are given to the cashier to ring up and will be processed once all guests at the cashier stand have been served. Sorry, we cannot accept credit cards, gift cards or checks for payment on staff meals.

Servers, Bussers, Bartenders, Front Desk, and Bakery/Cashier Staff

You may receive a 50% discount on one entrée or appetizer item except filets and steaks. Slices of cheesecake and other desserts are available at a 50% discount if eaten on the premises. Whole cakes and slices To-Go are discounted at 20%.

Dishwashers, Prep Cooks, Stewards, and Cleaners

If you decide to participate in our staff meal program, we will deduct a small charge each shift from your paycheck. This entitles you to order any menu item priced up to \$15.95. Because they are signature dishes, you may also order our Cajun Jambalaya Pasta, made with chicken only or Chicken Madeira. (Filets and steaks are not subject to any discount.) Slices of cheesecake and other desserts are available at a 50% discount if eaten on the premises. Whole cakes and slices To-Go are discounted at 20%. Menu items priced over \$15.95 are not available under this benefit.

Line Cooks

Line cooks may order any regular menu item priced up to \$15.95 at no charge on each shift worked. Because they are signature dishes, you may also order our Cajun Jambalaya Pasta, made with chicken only or Chicken Madeira. (Filets and steaks are not subject to any discount.) Slices of cheesecake and other desserts are available at a 50% discount if eaten on the premises. Whole cakes and slices To Go are discounted at 20%. Menu items priced over \$15.95 are not available under this benefit.

100% Shift Meals ("Green Tickets")

Managers may discretionarily designate 100% "comp'd" Shift Meals to staff members who take on additional duties (such as shift leader). 100% shift meals are non-transferable and may not be given away or sold to other staff members.

Shift meals must be consumed on the premises and are limited to one appetizer or entrée with the restrictions listed above (priced up to \$15.95 and no filets or steaks). Sorry, no rain checks!

Soup and Bread

Soup and bread are available to all staff members, at no charge, for consumption on the premises only, during approved breaks and before or after your shift. Please, no doggie bags.



Beverages at No Cost To Staff Members

During your shift, you may have as much of the following beverages as you wish, but please do not waste. If you are busy, just pour half a glass. For safety's sake, do not use glass in the kitchen area – only health department-approved closed containers.

- ◆ Coffee
- ◆ Hot and Iced Tea
- ◆ Milk
- ◆ Soda
- ◆ Gatorade™ or staff drink when available



50% Discounted Beverages

Juice, Espresso drinks, bottled water
All other non-alcoholic beverages

Discounts on Your Day Off

Unfortunately, no discounts are allowed on your day off except for the 20% discount on retail items and desserts To Go.

Retail Items (Restaurants Only)

Whole cakes, slices, promotional items, loaves of bread, sauces, and pints of dressing are available anytime To Go at a 20% discount. Fill out a staff meal ticket, and have it signed by a manager and pay the cashier.

© 2005 The Cheesecake Factory Restaurants, Inc. ◆ Confidential Information ◆ Do not duplicate or distribute outside of this company.

The Oscar and Evelyn Overton Charitable Foundation

The Cheesecake Factory inherited a tradition of excellence from its founders, Oscar and Evelyn Overton, whose values shaped our culture and continue to define the character of our Company today. It is with these values in mind that we proudly established The Cheesecake Factory Oscar and Evelyn Overton Charitable Foundation in their names on September 11, 2001.

The Cheesecake Factory has a long tradition of supporting worthy causes, including sponsoring grand opening fundraisers for a variety of charities. As our Company continued to grow, we sought a vehicle by which our enthusiastic staff members could channel their efforts and participate in activities that reflected their compassionate attitude. We created The Cheesecake Factory Oscar and Evelyn Overton Charitable Foundation to fulfill this goal.



Oscar and Evelyn Overton (circa 1975)

The mission of the Foundation not only is to act as a means to raise funds for charitable causes, but also to be a catalyst – energizing our growing number of caring staff members and bringing the great Cheesecake Factory tradition of concern for our guests and their communities under a unified effort. In 2001, the Foundation organized The Cheesecake Factory and Grand Lux Cafe restaurants in a fundraising effort benefiting Windows of Hope, an organization established to provide support for the surviving families of restaurant employees who lost their lives at the World Trade Center. On Thanksgiving Day since 2002, the Foundation proudly provides Thanksgiving feasts for men and women at homeless shelters across the country.

The Foundation is growing and building relationships with other national charitable organizations, such as City of Hope and Salvation Army, in order to further assist programs in local communities. We are dedicated to continuing the humanitarian spirit of our Founders, Oscar and Evelyn Overton, by living the values they instilled in our Company every day.

Fun Stuff Club

Planning a trip to California and want to visit Disneyland, Knott's Berry Farm, Magic Mountain or other great attractions? Be sure to check out the Fun Stuff Club first. Your Fun Stuff Club Coordinator has a variety of cards and passes that offer discounts to you and your party when visiting many Southern California attractions. Check with your OST to find out more about the Fun Stuff Club.

HEALTH, SAFETY & SANITATION

At The Cheesecake Factory, we believe that you deserve a safe and healthful workplace! We take your safety very seriously, and expect you to do the same. The Company has a responsibility to see that you are trained in our safety procedures. As a staff member, you have a responsibility to follow our guidelines and to always take proper safety precautions. We want everyone to follow and support our safety standards, not only because they are required by state and local laws as well as our Policies and Procedures, but because we want you to remain happy, healthy and accident-free.

There is an **"Injury and Illness Prevention Program"** documented at each Cheesecake Factory restaurant location. This important manual details and outlines our safety program and our commitment to providing you a safe workplace. Because accidents can still happen, the **"Injury and Illness Prevention Program"** also documents the proper techniques for investigating the causes, in hopes of preventing similar accidents in the future.

Each Cheesecake Factory has a designated "Safety Manager" that is a member of the management team. Please feel free to discuss any safety-related questions or concerns with this individual, any member of management or the Corporate Risk Services Department. You always have an open line of communication about safety issues.

Safety on the Job is Our Policy

We have the foremost responsibility of making your safety and the safety of our guests a constant concern. Everyone benefits when you, your coworkers and our guests have an accident free day. We need your eyes and ears to be aware of any potential safety issues and to communicate any issues or concerns to your safety manager, general manager, a member of the Corporate Risk Services Department, or through the Staff Relations CARELINE.

The success of The Cheesecake Factory depends on not only great friends, great food and great service, but also on how safely each job is performed. Focus your attention on these ideas and objectives as we review our safety guidelines.

Your restaurant has a safety committee that meets on a monthly basis to discuss safety issues, safety concerns and current safety programs. The emphasis and goal of the safety committee is to prevent accidents and to reduce the frequency and severity of accidents and injuries. We encourage all interested staff members to attend safety committee meetings. We need your enthusiasm and ideas!

Safety is Everyone's Responsibility

You have important safety responsibilities. The following list is a general overview of our expectations of your safety awareness:

- ◆ Know and honor our Safety Rules and other safety-related regulations.
- ◆ Report all injuries, no matter how minor to a member of your management team.
- ◆ Encourage everyone to work safely.
- ◆ Fully support all programs and committees promoting safety and health.
- ◆ Actively participate in our safety committee as required.
- ◆ Immediately report unsafe acts and conditions to a member of your management team or you may report these situations anonymously if you prefer by calling our Staff Relations CARELINE at 800-241-5689.

Our Commitment to Safety

Your manager is responsible for ensuring your safety by:

- ◆ Being familiar with our safety program and ensuring its effective implementation.
- ◆ Being aware of all safety considerations when introducing a new process or procedure to the restaurant.
- ◆ Investigating all accidents or injuries to ensure proper reports are completed and appropriate action is taken to avoid recurrence of similar accidents or injuries.
- ◆ Providing complete safety training to staff members.
- ◆ Consistently and fairly enforcing all safety rules.
- ◆ Seeing that all injuries, no matter how minor, are treated immediately and promptly reported to our Workers' Compensation Claims Administrator when applicable.
- ◆ Inspecting work areas to detect unsafe conditions and work practices and immediately reporting or correcting these unsafe conditions or work practices.

General Safety Rules

Here are some of our safety rules that apply to all staff members:

- ♦ Wear slip-resistant, low-heeled shoes at all times. Look for shoes with slip-resistant soles. As a convenience and a benefit to our staff, we have a safety shoe program. This program allows staff members to pay for the great slip-resistant shoes from a company that we highly recommend, Shoes For Crews, at a discounted rate with a one-time payroll deduction. (It is not mandatory to purchase your shoes from Shoes For Crews. You may wear any name brand as long as they are slip-resistant and indicate this on the shoe or shoebox.)
- ♦ Report all work-related injuries or accidents to a member of your management team, no matter how minor. A seemingly minor injury can develop into something more serious if it is not properly treated.
- ♦ Do not operate any machine or use any equipment (e.g., kitchen slicer, Blender, chef's knife) if you are not familiar with it and the safety procedures necessary to safely operate it.
- ♦ Push - don't pull - heavy objects. Ask for help when lifting, carrying, or moving items that are in excess of 40 pounds.
- ♦ Use hand trucks for moving heavy, bulky crates, boxes and containers.
- ♦ Never clean, adjust or repair any machinery until the machinery is turned off and unplugged from its power source.
- ♦ Immediately report any defects in machinery, tools and equipment to a manager.
- ♦ Do not leave tools, boxes or other objects, which might cause others to trip and fall, on the floor.
- ♦ Do not block exits, fire doors, aisles, fire extinguishers, gas meters, electrical panels, or traffic lanes.
- ♦ Avoid risk of rupture, internal injury or back injury in attempting to lift or push heavy loads. If an object is too heavy to move without strain, ask for help.
- ♦ When moving through a crowded area say, "Behind" or "On your left," to let people know of your presence.
- ♦ If you drop or spill anything on the floor, or see something spilled, don't leave it for someone else. If you cannot clean it up immediately, stand over the spill and ask someone to bring a towel or mop.
- ♦ Do not distract others while they are working. Approach anyone using a knife, or working around any machinery or cooking equipment, from the front or side so he or she will see you coming and not be shocked or surprised. Be sure to tell them "Behind you" or "On your right."
- ♦ Always use a ladder or stepladder to climb. Never use a chair, shelf, box, milk crate, counter, or other substitute.
- ♦ Do not leave drawers or cabinets open.
- ♦ Absolutely no running, fighting, horseplay, or any activity that might result in injury.
- ♦ Unnecessary or excessive haste is the cause of many accidents. Use caution at all times. Walk, do not run!

Restaurant Safety

Here are some additional rules:

- ♦ Always carry a towel for handling hot dishes and/or for cleaning and/or marking up spills or other hazards on the floor.
- ♦ Use proper techniques for slicing bread: hold the loaf of bread in place with your fingertips tucked under ("the claw method") while slicing the loaf.
- ♦ When finished, be sure to put knives away in their proper place. Do not leave them out on counters, in a sink, or loose on overhead shelves.
- ♦ When serving food, use the proper technique for carrying plates. Never carry more than two large plates or two pasta bowls at one time. Use your forearms to support the weight of plateware, not your wrists.
- ♦ Don't overload bus tubs or trays. Do not build walls along the sides of bus tubs in an effort to load more dishes in them.
- ♦ Don't attempt to carry a stack of plates or racks of glassware that are higher than the distance from your fingertips to your elbow.
- ♦ Use extreme caution when working around or handling hot plates, hot food, hot surfaces, and sharp knives.
- ♦ If you work with a knife, chopper, dicer, or slicer, you are required to wear a cutting glove when using or cleaning this equipment.
- ♦ For additional safety requirements and procedures, please consult your safety manager.
- ♦ Regularly review your workgroup's specific Development Guide for additional safety guidelines and procedures that are applicable to your job.

How to Lift:

1. Stand with your feet slightly apart.
2. Assume a squatting position with knees bent and chin tucked.
3. Tilt head forward, grasp the load with both hands and gradually push up with your legs.
4. Keep the load close to your body.
5. Keep your back straight and avoid any abrupt movement.

Guest Safety

Report any injury or accident involving a guest to a manager immediately. Always acknowledge the guest first, then apologize and get a manager immediately. Don't assume the guest will report it. Management's first concern is that the guest is handled with proper consideration and obtains proper treatment as soon as possible.

Be alert to any potential problem situation and report it immediately to a manager. These situations might include suspicious looking people loitering in the restaurant, unruly or noisy guests or guests being rude to others. **Never be rude to a guest. Get a manager involved to handle the situation.**

**** Never give aspirin or any other medication to a guest. ****

Hazard Communication

We use a variety of cleaning solutions that are classified as "chemicals" by the Occupational Safety and Health Administration (OSHA). Many of these are common, everyday substances that can be found in your own home similar to Ajax™, Windex™ and 409™. OSHA requires that we inform you of the use of these chemicals in your workplace, in the event that you have allergies or experience an adverse reaction to an exposure to any of these substances.

If you would like more information on learning about the various chemicals that we use, please contact the Corporate Risk Services Department. Material Data Safety Sheets, which are supplied to us by the manufacturers and explain the properties of these various substances, are available for review and are posted in your restaurant.

In Case of Emergency

While many of our telephones do not provide access to an outside line, they are capable of dialing 911. You must first hit the "pound" sign (#) and then dial 911. If an accident or incident results in a life-threatening situation, alert a manager who will call 911 for emergency response.

Disciplinary Procedures

Every staff member must be thoroughly familiar with our safety rules. Failure to comply with safety rules or procedures may result in disciplinary action, up to and including discharge (see "Counseling Process" in this Handbook).

Our Audio/Visual Communication and Training System

An audio/visual interactive communication system may be in use at our restaurants, usually in the bar area and office. This system has both audio and video features, and allows 2-way communication between our restaurants and the Corporate Support Center. The system is used for pre-scheduled interactive instructional and meeting purposes only.

Only management may activate this system for such purposes. Any unauthorized use of the system is expressly forbidden and will result in disciplinary action, up to and including discharge.

Insurance Issues

Please note that our liability and auto insurance coverage does not provide benefits for losses or damage to your personal property on the Company's premises while you are working or when on Company business. This is especially important to keep in mind in the event that you are asked to – or offer to – run an errand on behalf of The Cheesecake Factory.

In the unlikely event that you are involved in an auto accident while on Company business, you must file a claim through your own auto insurance Company to cover damages to your vehicle or other vehicles involved. Our auto liability coverage does not provide coverage for non-Company owned, non-Company-leased vehicles. Any bodily injuries may, however, be covered under the Company's Workers' Compensation insurance.

You are never under any obligation to use your own vehicle to run an errand for The Cheesecake Factory. If you are asked to do so, and wish to decline for any reason, please tell your manager. Only licensed and personally insured drivers may use an auto while on Company business.

Your participation in any off-site, off duty picnic or staff member group activity is voluntary and not considered a mandatory Company event.

As such, you are not paid for any time spent at a recreational activity (like a picnic or off-site staff event) and your participation is not part of your workday. Since these events are voluntary in nature, our Workers' Compensation coverage does not apply to any injury or illness arising out of your voluntary participation.



Smoking

Smoking is not permitted at any time in food production areas, in the dining room, public rest rooms, storerooms, behind the bar, or anywhere in the restaurant in view of guests. Additionally, we comply with applicable state and local laws, which limit or prohibit smoking in the workplace.

If you smoke during an approved break, you must wash your hands before returning to work. We ask that staff members with guest contact take additional measures after smoking to prevent unpleasant smokers' breath or odors before returning to the floor.

Security Issues

Unfortunately, the large amounts of inventory and cash in our facilities make us a target for theft. For your own protection, please do not bring large amounts of cash, jewelry or valuables to work. If you must bring a change of clothes or other personal items to work, most restaurants have lockers available for your short-term use. Please bring your own lock and remove it when your shift is over. We are not able to store personal items such as purses, backpacks or other items in the managers' office. We're sorry, but we cannot be responsible for personal items that are lost or stolen while on our premises. We reserve the right to inspect or search packages, briefcases, purses, and bags that are brought onto the premises as well as lockers, desks, property, information systems, work areas, and vehicles parked on the property.

Please use the designated staff entrance for entering and exiting the building at all times.

In many areas of our restaurant and in common areas that we share with malls and other buildings, security cameras may be in use. These cameras are designed to offer protection to our staff and for the restaurant. At times, they may be used to detect illegal or forbidden activities. Certain public areas, such as back doors, docks, offices, and other areas of the restaurant, may have hidden or visible security cameras in use.

To protect our staff, guests and Company, the Company prohibits the use of cell phones, Personal Digital Assistants (PDAs) or other electronic devices that take photos. Unauthorized picture taking may result in disciplinary action, up to and including discharge.

Your Personal Safety

It is our goal to maintain a safe workplace for all of our staff members. We have a "zero tolerance" policy with respect to threats or acts of violence or possession of weapons on Company property or while at work. In addition to the section of this handbook, we want you to be aware of and practice these personal safety measures:

- ◆ Never walk to your car alone after dark.
- ◆ Always alert a manager if you feel you are in any type of danger, or call 911.
- ◆ Immediately alert a manager if you are the recipient of any kind of threat of violence or believe any guest, vendor or other staff member is threatened or in danger while on Company property. Additionally, you may also register any type of complaint or concern on the Staff Relations CARELINE at 800-241-5689.
- ◆ Alert a manager or call 911 if any kind of altercation seems imminent.

Any perceived "violent tendencies" from a co-worker, guest or vendor should be immediately reported to management. No staff member will be subject to retaliation as a result of reporting, in good faith, any actual or potential threat or occurrence of violence.

Health and Sanitation

We ask that you help keep your facility in a clean, appealing and healthy condition. This includes picking up litter, cleaning up spills and breakage, checking the rest rooms for supplies and cleanliness, and alerting management to any unsanitary condition.

- ◆ Be sure to wash your hands with soap and warm water after eating, smoking, using the restroom, brushing your hair, or performing cleanup duties.
- ◆ Do not touch your hair, face, nose, or mouth while handling and serving food and beverages.
- ◆ When handling glasses and dishes, be sure not to touch the beverage or food.
- ◆ Keep fingers away from the rims of glasses and the food contact portion of silverware.
- ◆ It is never appropriate for a staff member to eat food left on or discarded from anyone's plate. It is unsanitary and unhealthful for the staff, as well as our guests.
- ◆ Staff members may not chew gum while working.
- ◆ Staff members who work in the kitchen may not wear acrylic nails.

"The Big Four" Diseases and Methods of Prevention

Staff members working with food must notify their manager if they experience any of the following signs or symptoms so that the manager can take appropriate steps to prevent the transmission of a potential food borne illness.

Food Borne Illness	Signs & Symptoms	Methods of Transmission	Preventive Measures
Salmonella (sal ma nella)	Diarrhea Fever Abdominal cramps Vomiting	Uncooked product or product held at the wrong temperature.	Hand washing with soap and hot water <ul style="list-style-type: none"> ▪ Prior to preparing food ▪ After touching bare human body parts ▪ After using the toilet ▪ After coughing and sneezing (use a handkerchief or disposable tissue) ▪ After wiping a running nose (use a disposable tissue) ▪ After smoking, eating or drinking ▪ Every ½ hour as a regular practice Personal Hygiene <ul style="list-style-type: none"> ▪ Bathed body ▪ Clean fingernails ▪ Clean hair ▪ Clean clothes
Shigella (Shi gella)	Abdominal cramps Fever Diarrhea Stools may contain blood & mucus	Contamination of these foods is usually through the fecal-oral route.	
Escherichia coli O157:H7 (E. coli)	Severe diarrhea (bloody) Abdominal pain Vomiting Little or no fever Common in children <4 yrs old	Found in the intestinal tract of cattle and humans. Mainly due to uncooked meat.	
Hepatitis A (Hep a ty tis)	Diarrhea Dark urine Jaundice Flu-like symptoms	This is a fecal to oral transmission; putting something in your mouth that has been contaminated with the stool of a person with Hepatitis A.	
Other Illnesses/Conditions			
Exposed cuts and wounds			<ul style="list-style-type: none"> ▪ Cover with a bandage. ▪ Cover with bandage and latex glove if wound is on the hand. ▪ Seek medical attention if infection occurs.
Persistent sneezing or coughing Running nose Sore throat with fever			<ul style="list-style-type: none"> ▪ Cover mouth and nose when sneezing or coughing. ▪ Seek medical attention. ▪ Stay home if contagious or at risk of contaminating food or food surfaces.

THE CHEESECAKE FACTORY INCORPORATED

SUMMARY OF PLAN INFORMATION (FROM SPD)

ERISA Information

The following information is provided to you in accordance with the Employee Retirement Income Security Act of 1974 (ERISA).

Eligibility Section

Refer to the Eligibility section in this Handbook for each particular type of coverage. Eligibility requirements may vary for different types of coverage.

Preexisting Conditions Limitations And Special Enrollment Periods

Federal law (the Health Insurance Portability and Accountability Act of 1996, known as "HIPAA") limits the circumstances under which a group health plan may exclude coverage for medical conditions present before an individual enrolls. Since this plan is governed by HIPAA, the following rules apply (Preexisting Condition Limitations do not apply to HMOs):

1. "Special Enrollment Rights" If you do not enroll for coverage when you are first eligible but you later wish to enroll, you will not be able to do so unless you meet one of the following criteria for "Special Enrollment Rights":
2. If you decline enrollment for yourself or your dependents (including your spouse) because of other health insurance, you may in the future be able to enroll yourself or your dependents in this plan, provided that you request enrollment within 31 days after your other coverage ends. This special rule applies if you or your dependents lose the other coverage due to termination of employment, change in employment status, termination of the other plan's coverage, cessation of the employer's contribution toward coverage, exhaustion of COBRA coverage, death of a spouse, or divorce.
3. If you lose your other coverage but fail to request enrollment in this plan within 30 days, you will NOT be allowed to enroll in the plan until the next Open Enrollment date.
4. If you have a new dependent as a result of marriage, birth, adoption, or placement for adoption, you may be able to enroll yourself and your dependents, provided that you request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption. If you are eligible for coverage but do not enroll, your dependent cannot enroll.
5. If a court of competent jurisdiction orders coverage of a spouse or minor child, that individual may be enrolled mid-year if the request for enrollment is made to the employer within 30 days of the court order.
6. If you meet the eligibility requirements during the plan's open enrollment period and you complete and submit the required enrollment forms to the Benefits Department on or before the designated deadline.

Benefits During Family And Medical Leave or Pregnancy Disability Leave

If you are on a leave of absence approved by The Cheesecake Factory and your leave is protected under the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and/or the California Pregnancy Disability Leave laws (PDL) for California employees only, you may continue medical, dental, life, and Accidental Death & Dismemberment benefits during such leave of absence. The federal FMLA offers up to 12 weeks of unpaid leave for a staff member who has worked for the company at least 12 consecutive months dating backward from the start date of the leave and has worked at least 1250 hours in that 12 month period. Eligible staff members may take up to 12 weeks of FMLA leave in a rolling 12 month period if the leave of absence is requested in advance, in writing, and accompanied by a doctor's note. Contact the Benefits Department for details on eligibility for, and terms and conditions of, an approved leave of absence, or information on other state leave laws.

While a staff member is on an approved FMLA leave, they are responsible to remit to The Cheesecake Factory Incorporated their portion of the premium on a monthly basis. The Cheesecake Factory Incorporated will continue to pay the Company portion of the premium (for individual or dependent coverage) up to a maximum of 12 weeks within a 12-month period. However, if FMLA continues longer than 12 weeks, the staff member must elect and pay for COBRA to continue medical and dental coverage. Benefits which are not continued during FMLA leave will be reinstated, with no waiting period or preexisting condition limitation, upon the staff member's return from FMLA leave.

During any period of PDL or CFRA leave that runs concurrently with FMLA, the rules above apply regarding continuation of benefits. During PDL or CFRA leave (or other state law leave) that does not run concurrently with FMLA, a staff member's continued enrollment in our Health & Welfare Benefit Plans may be altered. Please check with the benefits department for any local laws pertaining to benefits while on an approved Leave of Absence.

Contact the Benefits Department for additional information on the family/medical or pregnancy disability leave policy or if you want to request leave under one of these statutes.

Continuing Benefits During Military Leave

If you go on active duty in the U.S. armed forces, you will cease to be covered under the Health & Welfare Benefit Plans as of the end of the month in which you enter active military service. However, you have the following rights to continue coverage:

1. If your military leave period is less than 31 days, you have the right to continue medical and dental coverage for yourself and dependents who were covered under our Plan for up to 31 days, at a cost of not more than the cost for a similarly situated active employee.
2. If the military leave period is more than 31 days, you have the right to elect COBRA continuation coverage for yourself and your dependents that were covered under the Plan for up to 24 months.

COBRA Continuation Rights

COBRA is a federal law that allows plan participants to continue medical and dental coverage under specified circumstances where such group coverage would otherwise be lost. To continue coverage, you or your covered dependents must apply for continuation coverage and pay the required premium before the deadline for payment. COBRA coverage can be extended for 18, 29 or 36 months, depending on the particular "qualifying event" which gave rise to COBRA.

Maternity Minimum Stay Provisions

The Newborns' and Mothers' Health Protection Act generally prohibits group health plans and health insurance issuers offering group insurance coverage from:

1. Restricting benefits for any hospital length of stay in connection with childbirth for the mother or newborn child to less than 48 hours following a normal vaginal delivery, or less than 96 hours following a cesarean section, or
2. Requiring that a provider obtain authorization from the plan or the insurance issuer for prescribing a length of stay not in excess of the above periods.

However, federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or the newborn earlier than 48 hours (or 96 hours as applicable). In any case, plans and issuers may not require that a provider obtain authorization from the plan or the issuer for prescribing a length of stay not in excess of 48 hours (or 96 hours).

Qualified Medical Child Support Orders (QMCSOS)

A Qualified Medical Child Support Order (QMCSO) may require medical coverage for a staff member's child who would not otherwise be covered. A QMCSO is a state court or administrative agency order that requires an employer's medical plan to provide benefits to the child of a staff member.

QMCSOs usually apply to a child whose parents get divorced or who is born out of wedlock. When the Company, as Plan Sponsor, receives a QMCSO, the staff member and the child will be notified that the order has been received and what procedures we will use to determine if the order is "qualified." If we determine the order is "qualified," the staff member and dependent will be automatically enrolled in our Medical & Dental Plans pursuant to the QMCSO. We will begin deductions from the staff member's paycheck in the amount necessary to pay for such coverage. The affected staff member should receive an initial COBRA notice, carrier ID cards and begin deductions from their paychecks as verification the QMCSO is qualified.

Women's Health and Cancer Rights Act of 1998

UNDER FEDERAL LAW, GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS PROVIDING BENEFITS FOR A MASTECTOMY MUST ALSO PROVIDE, IN CONNECTION WITH THE MASTECTOMY FOR WHICH THE PARTICIPANT OR BENEFICIARY IS RECEIVING BENEFITS, COVERAGE FOR:

- ◆ Reconstruction of the breast on which the mastectomy has been performed
- ◆ Surgery and reconstruction of the other breast to produce a symmetrical appearance
- ◆ Prosthesis and physical complications of mastectomy including lymphedemas in a manner determined in consultation between the attending physician and the patient.

These benefits may be subject to annual deductibles and coinsurance provisions that are appropriate and consistent with other benefits under your plan or coverage.

Statement of ERISA Rights

As a participant in The Cheesecake Factory Incorporated Group Insurance Plan(s) you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all plan participants shall be entitled to:

1. Examine, without charge, at the plan administrator's office and at other specified locations, such as work sites and union halls, all plan documents, including insurance contracts, collective bargaining agreements and copies of all documents filed by the plan with the U.S. Department of Labor, such as detailed annual reports and plan descriptions.
2. Obtain copies of all plan documents and other plan information upon written request to the Plan Administrator. The administrator may assess a reasonable charge for the copies.
3. Receive a summary of the plan's annual financial report. The Plan Administrator is required by law to furnish each participant with a copy of this Summary Annual Report.

In addition to creating rights for plan participants, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate your plan, called "fiduciaries" of the plan, have a duty to do so prudently and in the interest of you and other plan participants and beneficiaries. No one, including your employer, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a pension or welfare benefit or exercising your rights under ERISA. If your claim for a pension or welfare benefit is denied, in whole or in part, you must receive a written explanation of the reason for the denial. You have the right to have the Carrier & Plan Administrator reconsider your claim.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the administrator.

If you have a claim for benefits that is denied or ignored, in whole or in part, you may file suit in a state or Federal court. If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees.

If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous. If you have any questions about your plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest office of the Pension and Welfare Benefits Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefit Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210.

Summary Of Plan Information

Name Of Plan:

The Cheesecake Factory Incorporated Health & Welfare Benefit Plans

Plan Sponsor and Plan Administrator:

The Cheesecake Factory Incorporated
Director of Compensation and Benefits
26950 Agoura Road
Calabasas Hills, CA 91301
(818) 871-3000

Agent for Service of Legal Process:

The Cheesecake Factory Incorporated
Director of Compensation and Benefits
26950 Agoura Road
Calabasas Hills, CA 91301
(818) 871-3000

Employer Identification Number:

51-0340466

Plan Number:

501

Type of Plan:

Benefits provided under the Plan include medical, dental, life, accidental death & dismemberment, and long term disability.

End of Plan Year:

December 31st

Type of Administration:

Contract Administration for the self-insured medical and PPO dental benefits. Insurer Administration for prepaid dental, life, accidental death & dismemberment, and long-term disability.

Health Insurance Carrier:

Medical and PPO dental are self-insured. United Healthcare (UHC) is the third party administrator of claims, but benefits are paid from The Cheesecake Factory's general assets. Prepaid dental benefits are guaranteed under a contract of insurance issued by Aetna.

Plan Contributions:

The Employer and the employees provide contributions necessary to fund the Plan.

The employer sets the employee contribution each year and communicates it to employees prior to open enrollment during each Plan year. Any credits or refunds that the Employer receives under a Performance Agreement, Administrative Services Agreement or Stop-Loss Contract shall apply only to reimburse the Employer. Any experience credits or refunds shall be applied first to reimburse the Employer for its contributions, unless otherwise provided in the Plan documents or required by applicable law.

Eligibility For Plan Participation:

Eligibility requirements for plan participation are outlined in your Certificate or Plan Booklet—usually in the section titled Eligibility.

Loss Of Benefits:

Circumstances under which you may be disqualified from the plan, ineligible for benefits, or have benefits denied/forfeited/suspended are outlined in the specific plan Booklet, and in your Staff Member Handbook.

Procedure For Amending The Plan:

The Employer may amend the Plan from time to time by written instrument signed by the Plan Administrator.

Claims Procedure:

Claims procedures vary for each type of benefit. See each specific booklet. For the self-insured medical coverage you may obtain claim forms from the Benefits Department or from United Healthcare's website at www.myuhc.com. For other insured benefits, you may obtain claim forms from the Benefits Department and each carrier for your particular insured coverage area will make determinations of initial claims and will hear all appeals on such claims.

If your pre-service medical claim is denied in whole or in part, you will be given the reason for denial in writing within 15 days after receipt of the claim by UHC, within 30 days for a post-operative claim, or 72 hours for an urgent medical claim. You have 180 days after you receive a claim denial to appeal.

For health insurance claims, you will need to contact UHC's or Aetna's Member Services for the address of where to send the written appeal since such address differs depending on where you reside.

If your written appeal for a medical claim or a dental PPO claim is denied, you may then write an additional appeal letter to the Plan Administrator. This request must be submitted within 60 days of denial by UHC of your written appeal. This appeal to the Plan Administrator must contain a copy of your appeal letter, the original denial by and Explanation of Benefit (EOB) Statement by UHC. These documents must be sent to:

The Cheesecake Factory Incorporated
Director of Compensation and Benefits
26950 Agoura Road
Calabasas Hills, CA 91301

The Plan Administrator shall make the final decision on denied medical and PPO dental claims. Medical and PPO dental benefits under this Plan will be paid only if the Plan Administrator decides in his/her discretion that the applicant is entitled to them.

Other Group Plans:

The Group Universal Life Insurance (GUL) and Voluntary Group Term Life Insurance (GTL) options available to The Cheesecake Factory Incorporated are not ERISA plans like The Cheesecake Factory Health & Welfare Plans. GUL and GTL benefits are offered and sponsored by the insurance carrier, not by The Cheesecake Factory Incorporated. The Cheesecake Factory Incorporated merely allows the insurance carrier to publicize the program, collects premiums through payroll deductions, and remits such premiums to the insurance carrier. If you wish to contest a decision made by the carrier under these plans (for example regarding eligibility or benefits), you must correspond directly with the carrier. The Company has no control over the decisions made by the carrier.

THE CHEESECAKE FACTORY STAFF MEMBER

ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY STATEMENT

Staff member's copy. Retain this page in the Handbook.

This notice must be signed by all Cheesecake Factory staff members upon hire and may be used in re-training as needed.

The Cheesecake Factory is committed to providing a work environment that is free from all types of harassment and discrimination. We believe that all individuals deserve to be treated fairly and with respect, and **our policy does not tolerate harassment or discrimination in any form**. All types of harassment, including sexual harassment, and discrimination are prohibited.

As your employer, our obligation is to inform you of your rights, and tell you how to report an occurrence, without reprisal, if you feel you have been harassed or discriminated against. We will conduct an investigation whenever a claim of harassment or discrimination is made. We also have an obligation to specifically define sexual harassment for you, so that you will know what behaviors you may not engage in, as well as how to recognize it if you witness sexual harassment or are the victim of sexual harassment.

One definition of sexual harassment is "unwanted sexual advances, or verbal, visual or physical conduct of a sexual nature." Another definition is "inappropriate conduct because of sex, **regardless of the sexuality of the harasser.**" This means that you should not engage in any offensive or inappropriate behavior that is based on sex, **even if you are joking or don't mean it.** Sexual harassment is based on the perception of the person who feels they are being harassed, **not on the intentions of the accused harasser.** Here are some examples of conduct that you must avoid that may be considered sexual harassment:

- ◆ Unwanted sexual advances, including repeated requests for dates, physical contact such as hugs and kisses or demands or requests for sexual favors of any kind
- ◆ Offering money or benefits in exchange for sex
- ◆ Making any job function, benefit or procedure contingent upon receiving sexual favors
- ◆ Threatening someone after they have turned you down for a date or sexual favor
- ◆ Visual conduct: leering, making sexual gestures with your hands, displaying sexually suggestive objects or pictures, cartoons or posters
- ◆ Verbal conduct: making or using derogatory sexual comments, sexual slurs or sex-based jokes, sexual advances, or propositions
- ◆ Verbal conduct of a sexual nature, verbal commentaries about the body of a co-worker or guest, sexually degrading words used to describe an individual, inappropriate discussions about sexual activities, suggestive or obscene letters, notes or invitations
- ◆ Physical conduct: unwelcome touching, hugging, kissing, physical assaults, impeding, or blocking movements

We have an obligation to insure that your workplace is free from harassment and discrimination. You have responsibilities, too. You must report any harassment or discrimination that has taken place, even if it is not directed towards you. If you are harassed, you have the right to ask the harasser to stop the conduct. In any event, you must report the unwanted or inappropriate conduct to an appropriate Company representative so that a prompt investigation can take place.

Our responsibility is to take effective remedial action designed to end the unwanted behavior. **Anyone who is found to engage in harassment or discrimination will be subject to disciplinary action, up to and including discharge.** Effective remedial action may include re-training, written warnings, suspension without pay, or discharge. Additionally, an individual whose harassing conduct results in legal action will be held **personally** responsible for any damages or legal fees.

To report harassment or discrimination:

1. Seek out your workgroup manager, senior manager, AGM or General Manager, or
2. Contact an Area Director of Operations or a Corporate Vice President, or
3. Contact a member of the Staff Relations Department at the Corporate Support Center, or
4. Call our toll-free CARELINE.

For immediate action, we strongly encourage you to use our internal reporting procedure. California and Massachusetts staff members may also contact the local state or federal agency that enforces the various anti-discrimination laws to make a complaint or to seek other legal remedies. Above all, you must never be fearful of making a report of harassment or discrimination, as this is the only way we can correct the problem. Telling a co-worker about it is not enough. Please seek out a manager or a Company representative, who can begin the investigation process. Again, you may make a report of harassment or discrimination to any of the above sources without fear of reprisal.

If you report harassment or discrimination, we may ask you to tell us about the harassment or discrimination verbally *and* in writing during the investigation process. We will make every effort to maintain confidentiality. However, this may not be possible in all instances. During the investigation procedure, we will ask you not to discuss the incident with co-workers. This will protect everyone's rights and help us to conduct a private and objective investigation.

If you are named as a possible witness to reported harassment or discrimination, we will ask for your cooperation in describing any events or actions that are alleged. Your observations may be very important! Again, we will ask you to not discuss the incident with co-workers while we are gathering information.

Any retaliatory conduct following a claim of harassment or discrimination is also grounds for immediate discharge. This means that if you are involved in an investigation or claim, you may not retaliate in any way towards the person making the complaint. This includes overt threats as well as more subtle forms of retaliation including ignoring, refusing to help and rudeness. Attempts to discuss the incident with the complainant can also be perceived as retaliation.

For more information, please speak to your manager or contact the corporate staff relations department at The Cheesecake Factory corporate center at 818-871-3000. You may also call the CARE LINE at 800-241-5689 with any questions, or to report any occurrence of harassment or discrimination.

I acknowledge and understand the Company's policy on harassment and discrimination. I have read this document and understand my rights and responsibilities in regards to these important issues.

Signature

Date

Printed Name

Location

*If you are a California staff member and wish to contact the Department of Fair Employment and Housing, you may call or write the local office in Los Angeles at 322 West First Street, #2126 Los Angeles, CA 90012-3112, phone 213- 897-1997.

*If you are a Massachusetts staff member and wish to contact the Massachusetts Commission Against Discrimination, you may call or write the local office in Boston at One Ashton Place, Room 601, Boston, MA 02108-1518, phone 617- 727-3990.

THE CHEESECAKE FACTORY STAFF MEMBER

ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY STATEMENT

Please have staff member sign and detach this page from the Handbook.
Place this signed form in staff member's file.

This notice must be signed by all Cheesecake Factory staff members upon hire and may be used in re-training as needed.

The Cheesecake Factory is committed to providing a work environment that is free from all types of harassment and discrimination. We believe that all individuals deserve to be treated fairly and with respect, and **our policy does not tolerate harassment or discrimination in any form.** All types of harassment, including sexual harassment, and discrimination are prohibited.

As your employer, our obligation is to inform you of your rights, and tell you how to report an occurrence, without reprisal, if you feel you have been harassed or discriminated against. We will conduct an investigation whenever a claim of harassment or discrimination is made. We also have an obligation to specifically define sexual harassment for you, so that you will know what behaviors you may not engage in, as well as how to recognize it if you witness sexual harassment or are the victim of sexual harassment.

One definition of sexual harassment is "unwanted sexual advances, or verbal, visual or physical conduct of a sexual nature." Another definition is "inappropriate conduct because of sex, ***regardless*** of the sexuality of the harasser." This means that you should not engage in any offensive or inappropriate behavior that is based on sex, ***even if you are joking or don't mean it.*** Sexual harassment is based on the perception of the person who feels they are being harassed, **not on the intentions of the accused harasser.** Here are some examples of conduct that you must avoid that may be considered sexual harassment:

- ◆ Unwanted sexual advances, including repeated requests for dates, physical contact such as hugs and kisses or demands or requests for sexual favors of any kind
- ◆ Offering money or benefits in exchange for sex
- ◆ Making any job function, benefit or procedure contingent upon receiving sexual favors
- ◆ Threatening someone after they have turned you down for a date or sexual favor
- ◆ Visual conduct: leering, making sexual gestures with your hands, displaying sexually suggestive objects or pictures, cartoons or posters
- ◆ Verbal conduct: making or using derogatory sexual comments, sexual slurs or sex-based jokes, sexual advances or propositions
- ◆ Verbal conduct of a sexual nature, verbal commentaries about the body of a co-worker or guest, sexually degrading words used to describe an individual, inappropriate discussions about sexual activities, suggestive or obscene letters, notes or invitations
- ◆ Physical conduct: unwelcome touching, hugging, kissing, physical assaults, impeding, or blocking movements

We have an obligation to insure that your workplace is free from harassment and discrimination. You have responsibilities, too. You must report any harassment or discrimination that has taken place, even if it is not directed towards you. If you are harassed, you have the right to ask the harasser to stop the conduct. In any event, you must report the unwanted or inappropriate conduct to an appropriate Company representative so that a prompt investigation can take place.

Our responsibility is to take effective remedial action designed to end the unwanted behavior. **Anyone who is found to engage in harassment or discrimination will be subject to disciplinary action, up to and including discharge.** Effective remedial action may include re-training, written warnings, suspension without pay, or discharge. Additionally, an individual whose harassing conduct results in legal action will be held personally responsible for any damages or legal fees.

To report harassment or discrimination:

1. Seek out your workgroup manager, senior manager, AGM or General Manager, or
2. Contact an Area Director of Operations or a Corporate Vice President, or
3. Contact a member of the Staff Relations Department at the Corporate Support Center, or
4. Call our toll-free CARELINE at 800-241-5689.

For immediate action, we strongly encourage you to use our internal reporting procedure. California and Massachusetts staff members may also contact the local state or federal agency that enforces the various anti-discrimination laws to make a complaint or to seek other legal remedies. Above all, you must never be fearful of making a report of harassment or discrimination, as this is the only way we can correct the problem. Telling a co-worker about it is not enough. Please seek out a manager or a Company representative who can begin the investigation process. Again, you may make a report of harassment or discrimination to any of the above sources without fear of reprisal.

If you report harassment or discrimination, we may ask you to tell us about the harassment or discrimination verbally *and* in writing during the investigation process. We will make every effort to maintain confidentiality. However, this may not be possible in all instances. During the investigation procedure, we will ask you not to discuss the incident with co-workers. This will protect everyone's rights and help us to conduct a private and objective investigation.

If you are named as a possible witness to reported harassment or discrimination, we will ask for your cooperation in describing any events or actions that are alleged. Your observations may be very important! Again, we will ask you to not discuss the incident with co-workers while we are gathering information.

Any retaliatory conduct following a claim of harassment or discrimination is also grounds for immediate discharge. This means that if you are involved in an investigation or claim, you may not retaliate in any way towards the person making the complaint. This includes overt threats as well as more subtle forms of retaliation including ignoring, refusing to help and rudeness. Attempts to discuss the incident with the complainant can also be perceived as retaliation.

For more information, please speak to your manager or contact the corporate staff relations department at The Cheesecake Factory corporate center at 818-871-3000. You may also call the CARELINE at 800-241-5689 with any questions, or to report any occurrence of harassment or discrimination.

I acknowledge and understand the Company's policy on harassment and discrimination. I have read this document and understand my rights and responsibilities in regards to these important issues.

Signature

Date

Printed Name

Location

*If you are a California staff member and wish to contact the Department of Fair Employment and Housing, you may call or write the local office in Los Angeles at 322 West First Street, #2126 Los Angeles, CA 90012-3112, phone 213-897-1997.

*If you are a Massachusetts staff member and wish to contact the Massachusetts Commission Against Discrimination, you may call or write the local office in Boston at One Ashton Place, Room 601, Boston, MA 02108-1518, phone 617-727-3990.

A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

- ◆ **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance or employment – or to take another adverse action against you – must tell you, and must give you the name, address and phone number of the CRA that provided the information.
- ◆ **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security Number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.
- ◆ **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or dispute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- ◆ **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- ◆ **Consumer reporting agencies must correct or delete inaccurate, incomplete or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- ◆ **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- ◆ **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- ◆ **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- ◆ **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 877-382-4357.

- ♦ **You may seek damages from violators.** If a consumer reporting agency, or, in some cases a user of consumer reports or a furnisher of information to a consumer reporting agency violated the FCRA, you may be able to sue in state or federal court.
- ♦ **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditor and others not listed below	Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 877-382-4357
National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after a bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings association and federally chartered savings banks (word “Federal” or initial “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center 2345 Grand Avenue, Suite 100 Kansas City, MO 6410-2638 877-275-3342
Air, surface or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 202-720-7051

CONSUMER REPORT AND INVESTIGATIVE CONSUMER REPORT DISCLOSURE AND AUTHORIZATION

Disclosure

The Cheesecake Factory Incorporated wants you to know that a consumer credit report (as defined under California law), a consumer report and/or an investigative consumer report about you may be obtained for employment purposes when considering your application for employment, when making a decision whether to offer you employment, when deciding whether to continue your employment (if you are hired), and when making other employment related decisions directly affecting you. Such reports may include information as to your character, general reputation, personal characteristics, work habits, or mode of living. The process may include verification of education, employment history, review of local, county, state, and federal government agency records, court public records, and employment references.

The information in or a copy of the report(s) obtained about you may be communicated to our affiliated Companies, including The Cheesecake Factory Restaurants, Inc., The Cheesecake Factory Bakery Incorporated and Grand Lux Cafe LLC for any of the employment purposes as described above.

The Fair Credit Reporting Act provides you with the right to request, in writing, within a reasonable amount of time, a disclosure of the nature and scope of the investigation requested. Attached is a written Summary of Your Rights under the Fair Credit Reporting Act ("FCRA"), as prepared by the Federal Trade Commission.

Authorization (Please read carefully before signing)

I have read the above disclosure and attached summary of FCRA rights and understand the information provided, and I hereby voluntarily authorize The Cheesecake Factory Incorporated to obtain "consumer credit reports," "consumer report" and/or "investigative consumer reports" about me from a consumer reporting agency (including a "consumer credit reporting agency" as defined under California law) and to consider such report(s) when making decisions regarding my employment at The Cheesecake Factory Incorporated. I authorize the communication of any of the reports obtained about me, or information in them, with any affiliated Company.

Signature

Date Signed

Print Full Name: _____

Complete for employment in California only:

Name of consumer credit reporting agency: _____

- ☐ I do not want a copy of a consumer credit report, if one is obtained
- ☐ I do want a copy of a consumer credit report, if one is obtained

HANDBOOK RECEIPT & CONFIDENTIALITY AGREEMENT

- Initial: _____ I acknowledge receipt of a copy of The Cheesecake Factory Staff Member Handbook and other training materials relevant to my job. I understand that this Handbook and other materials contain important information on some of The Cheesecake Factory's general personnel policies and on my privileges and obligations as a staff member of this Company. I acknowledge that it is my responsibility to read and adhere to the guidelines in all material. I am aware that The Cheesecake Factory may, in its sole discretion, change, rescind or add to any policies, benefits or practices described in this handbook or other training material and that I must abide by the new policies and practices.
- Initial: _____ I understand and acknowledge that the Company's Staff Member Handbook sets forth specific rules and guidelines for staff member conduct ("The Forbidden"). It is my responsibility to adhere to these rules and guidelines as well as other rules and guidelines that may be established by the Company from time to time. I understand that the Company's "Forbidden List" is not an exhaustive list of prohibited conduct, and that a violation of the "Forbidden List" or any other prohibited conduct may lead to disciplinary action, up to and including discharge.
- Initial: _____ I also understand that the Handbook and other training materials are not, nor should they be considered to be, an agreement or contract of employment, express or implied. I further acknowledge and understand that my employment with The Cheesecake Factory is, and at all times, remains at will. This means that I have the right to terminate employment at any time, for any reason, without cause. Likewise, The Cheesecake Factory may terminate my employment at any time, for any reason, with or without cause.
- Initial: _____ I understand that I will be given or exposed to materials that are considered proprietary or confidential in nature. Items such as this Handbook and the Development Guides are the sole property of The Cheesecake Factory, and are intended for staff members' use only. I understand that I may not share, sell, photocopy, or distribute any of these materials to any other individual, business or corporation, either during or after my employment. Also, depending on my position, I may be exposed to recipes and preparation methods. I understand that recipes and preparation methods are highly confidential and that I may not reveal or share this information with anyone or for any reason, either during or after my employment. By signing this document, I agree that I will not divulge recipes, ingredients or preparation methods either verbally or in writing to any other party, at any time, for any reason. I also understand that it is against Company policy to make or possess copies of recipes for any non-Company use, or for the use of others. Upon termination of my employment, I shall return all copies of any recipes or preparation methods that may be in my possession. I understand that I am bound by this Confidentiality Agreement during and after my employment by The Cheesecake Factory. Failure to adhere to this Confidentiality Agreement may lead to disciplinary action, discharge and/or legal action.
- Initial: _____ I understand that The Cheesecake Factory maintains a written Injury and Illness Prevention Program (IIPP) which is in accord with the federal and state Occupational Safety and Health Acts, as well as the General Industry Safety Orders. The IIPP is administered in the restaurant by the general manager, with the assistance and guidance of the restaurant's safety manager. I also understand and acknowledge that it is my responsibility to read The Cheesecake Factory's Safety Policy and abide by the requirements of such policy.
- Initial: _____ I understand and acknowledge that the Company has a zero tolerance drug and alcohol policy. I further understand that pursuant to the Company's drug and alcohol policy, the Company may test staff members who are suspected of using drugs/alcohol on the job or reporting to work under the influence of, following a work related injury or accident.

Initial: _____ I understand and acknowledge that the Company uses the "Rate In Effect" method for determining the applicable overtime rate. I understand that under this method, if I work in two different job classifications, I will be paid 1 ½ times the regular rate of pay for the job classification I am working in at the time I become eligible for overtime compensation.

Initial: _____ I recognize that differences may arise between me and the Company during, or following, my employment with the Company. I agree to participate in impartial dispute-resolution proceedings as a condition of and as consideration for the offer of employment by the Company. If I, or the Company, determine that the Company's internal procedures for handling claims (including but not limited to, reporting claims to my manager, the Area Director of Operations, the CARELINE, and/or the Staff Relations Department), have not resulted in a mutually acceptable resolution of disputes between me and the Company, I agree to participate in arbitration proceedings.

Initial: _____ I agree to report to the manager on duty if I am experiencing any signs or symptoms related the "The Big Four" food borne illnesses or other illness/conditions that contribute to contaminating food. I also agree to follow the recommended best standards of practice of prevention.

Staff Member Name (print): _____

Signature: _____ Date: _____

Cheesecake Factory Location: _____

Work Group: _____

Remove this page from the Handbook. Photocopy this signed form and give to staff member; place original in staff member's file.